

Notice is hereby given that a Regular Meeting of the Governing Body of the City of Ranger, Texas, will be held on **Monday**, **May 23**, **2022 at 5:30 p.m**. in City Hall, 400 West Main Street Ranger, Texas. The following subjects will be discussed, to wit:

**Agenda Item 01: Call to Order-** Mayor Casey

Roll Call/Quorum Check Invocation of Prayer Pledge of Allegiance to the United States Flag Pledge of Allegiance to the Texas Flag

Agenda Item 02: Citizen's Presentation-At this time, anyone on the list will be allowed to speak on any matter other than personnel matters or matters under litigation, for a length of time not to exceed THREE minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.

Agenda Item 03: Announcements from City Council or Staff-Comments may be made by council or staff, <u>BUT NO ACTION TAKEN</u> on the following topics without specific notice. Those items include: Expressions of Thanks, Congratulations or Condolence; Information on Holiday schedules; Recognition of public officials, employees or citizens other than employees or officials whose status may be affected by the council through action; Reminders of community events or announcements involving an imminent threat to the public health and safety of the people of the municipality.

Agenda Item 04: Discuss/Consider: approval of the city council meeting minutes for the regular meeting on May 9, 2022 and the called meeting on May 16, 2022. - Savannah Fortenberry, City Secretary

<u>Agenda Item 05:</u> Discuss/Consider: accept nominations and appoint a Commissioner as Mayor Pro-Tem for a one-year term. – John Casey, Mayor

<u>Agenda Item 06:</u> Discuss/Consider: realignment of both REDC Boards. – Kevan Moize, Commissioner Place 3

<u>Agenda Item 07:</u> Discuss/Consider: monthly reports from City Boards and Commissions. - Kevan Moize, Commissioner Place 3

Agenda Item 08: Discuss/Consider: FIRST READING OF ORDINANCE NO. 2022-06-13-I: AN ORDINANCE OF THE CITY OF RANGER, TEXAS REGULATING THE PLACEMENT AND INSTALLATION OF HUD-CODE MANUFACTURED HOMES AND MODULAR HOMES IN THE CITY; REQUIRING PERMITS; ALLOWING HUD-CODE

MANUFACTURED AND MODULAR HOMES ONLY IN CERTAIN AREAS OF THE CITY: REGULATING MANUFACTURED HOME COMMUNITIES; PROVIDING FOR CERTAIN NON-CONFORMING USES; PROVIDING A PENALTY CLAUSE; PROVIDING SEVERABILITY, REPEALER, AND OPEN MEETING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.- Kevan Moize, Commissioner Place 3

Agenda Item 09: Discuss/Consider: draft Ordinance No. 2022-06-13-J: AN ORDINANCE OF THE CITY OF RANGER, TEXAS REGULATING RECREATIONAL VEHICLES AND TRAVEL TRAILERS WITHIN THE CITY; REPEAL PREVIOUS ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A PENALTY CLAUSE: PROVIDING SEVERABILITY, AND OPEN MEETING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.- Kevan Moize, Commissioner Place 3

Agenda Item 10: Discuss/Consider: changes to Ordinance No. 2008-07-28-02: Animal Control. - Kevan Moize, Commissioner Place 3

Agenda Item 11: Discuss/Consider: changes to Ordinance No. 2015-05-26-D: Junk, weeds, nuisances. - Kevan Moize, Commissioner Place 3

Agenda Item 12: Discuss/Consider: changes to Ordinance No. 2007-10-08-03: Dangerous Buildings. - Kevan Moize, Commissioner Place 3

Agenda Item 13: Discuss/Consider: an update on repairs for Pine Street. – Andrew Lopez, Interim Public Works Director

Agenda Item 14: Convene in Executive Session Pursuant to Texas Government Code Section § 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, or dismissal of a public officer or employee. – John Casey, Mayor

- Chief of Police
- Interim-Public Works Director

Agenda Item 15: Discuss/Consider: Reconvene into Open Session and take action from Executive Session – John Casey, Mayor

# Agenda Item 16: Discuss/Consider: Adjournment

I, the undersigned authority, do hereby certify that the above notice of meeting of the Governing Body of the City of Ranger is a true and correct copy of said notice on the bulletin board at the City Hall of the City of Ranger, a place convenient and readily available to the general public at all times, and notice was posted by 5:30 p.m., May 20, 2022 and remained posted for 72 hours preceding the scheduled time of the meeting.

# Savannah Fortenberry

Savannah Fortenberry, Ranger City Secretary

The City council reserves the right to convene into Executive Session concerning any of the items listed on this agenda under the authority of the Mayor, whenever it is considered necessary and legally justified under the Open Meetings Act.

# NOTICE OF ASSISTANCE

Ranger City Hall and Council Chambers are wheelchair accessible and accessible parking spaces are available. Request for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact City Secretary's office at (254) 647-3522 for information or assistance.

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A Regular Meeting of the Governing Body of the City of Ranger, Texas, was held on **Monday**, **May 9, 2022 at 5:30 p.m**. in City Hall, 400 West Main Street Ranger, Texas. The following subjects were discussed, to wit:

#### **COUNCIL MEMBERS AND CITY STAFF PRESENT:**

Honorable John Casey

Commissioner Larry Monroe

Commissioner Robert Butler

Commissioner Kevan Moize

Commissioner Bittni Boykin

City Manager Gerald Gunstanson

City Secretary Savannah Fortenberry

Interim Public Works Director Andrew Lopez

Mayor

Place 1

Place 2

Place 3

Place 4- Absent

Agenda Item 01: Call to Order- Mayor John Casey

Honorable Tammy S. Archer

Roll Call/Quorum Check- Mayor John Casey Invocation of Prayer- Gerald Gunstanson Pledge of Allegiance to United States Flag- Mayor John Casey Pledge of Allegiance to Texas Flag- Mayor John Casey

Agenda Item 02: Citizen's Presentation: 1. No Participation.

Agenda Item 03: Announcements from City Council or Staff- 1. Commissioner Butler stated this was his last full meeting as a council member. He stated he was proud to be apart and a lot of accomplishments had been made. Some of the items were reducing the cost of cemetery plots, securing the gates at night, cleaning up and opening the collection station more hours and reducing the costs, tire collections, meetings are broadcast for people at home, moved away from one meeting a month to two. The budget was realigned, focused on derelict buildings, redid the mobile home ordinance and responded to several major emergencies; winter storm and recent fires. Several other accomplishments were updating the juvenile ordinance, supported veterans, creating CODERED, pursing an automatic compressor, supported grant packages for a new ambulance and fire truck, lowered the utility bill, and worked within the budget. 2. City Manager, Gerald Gunstanson, City Hall would be closed May 30<sup>th</sup> in observance of Memorial Day. 3. Commissioner Monroe stated May 28tha t 10am the Veteran Support Group will be placing flags on graves. 4. Commissioner Monroe stated on May 30<sup>th</sup> at 11:30am Memorial Day Ceremony at the Veteran's Park.

Agenda Item 04: Discuss/Consider: approval of the city council meeting minutes for the regular meeting on April 25, 2022 and the called meeting on May 5, 2022. - Savannah Fortenberry, City Secretary

\*Motion made by Commissioner Moize to approve the city council meeting minutes, with the changes, for the regular meeting on April 25, 2022 and the called meeting on May 5, 2022 and 2<sup>nd</sup> by Commissioner Monroe. All Ayes and Motion Passed.

Agenda Item 05: Discuss/Consider: Results on the election of officers by the members of the Commission of Veterans Affairs for the positions of President, Vice President, Secretary and Treasurer. – Larry Monroe

\*Commissioner Monroe listed the officers as follows; Larry Monroe: President, Joel Jimenez: Vice President, Bob Green: Secretary, Charles Calvert: Treasurer. No Action Taken.

<u>Agenda Item 06:</u> Discuss/Consider: RESOLUTION NO. 2022-05-09-D: REGARDING CIVIL RIGHTS FOR THE AWARDED TXCDBG FUNDING FROM THE TDA. – Gerald Gunstanson, City Manager

\*Motion made by Commissioner Butler to approve Resolution No. 2022-05-09-D and 2<sup>nd</sup> by Commissioner Monroe. **All Ayes and Motion Passed.** 

Agenda Item 07: Discuss/Consider: RESOLUTION NO. 2022-05-09-E: A RESOLUTION BY THE CITY COUNCIL OF CITY OF RANGER DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) GRANT AGREEMENT NUMBER CDV21-0298. – Gerald Gunstanson, City Manager

\*Motion made by Commissioner Moize to approve Resolution No. 2022-05-09-E with change removing County Judge and 2<sup>nd</sup> by Commissioner Monroe. All Ayes and Motion Passed.

Agenda Item 08: Discuss/Consider: Proclaim April as Fair Housing Month: This proclamation will help to fulfill Fair Housing activity obligations as required by the grant. – Gerald Gunstanson, City Manager

\*Motion made by Commissioner Moize to Proclaim April as Fair Housing Month and 2<sup>nd</sup> by Commissioner Butler. All Ayes and Motion Passed.

Agenda Item 09: Discuss/Consider: awarding of an administrative services contract for the preparation of the City's 2022 Texas Community Development Block Grant (TxCDBG) FAST application and subsequent administrative services contract if funded.- Gerald Gunstanson, City Manager

\*Motion made by Commissioner Butler to award Langford Community Management Services for the preparation of the City's 2022 Texas Community Development Block Grant (TxCDBG) FAST application and subsequent administrative services contract if funded and 2<sup>nd</sup> by Commissioner Moize. All Ayes and Motion Passed.

Agenda Item 10: Discuss/Consider: SECOND ANF FINAL READING OF ORDINANCE NO. 2022-05-09-H: AN ORDINANCE OF THE CITY OF RANGER, TEXAS AUTHORIZING THE SALE AND CONVEYANCE OF PORTIONS OF THE UNOPENED BYRENS STREET AND MCCLESKY AVENUE AND ALLEYWAY; AUTHORIZING CONVEYANCE OF THE CLOSED PORTION OF BRISTOW AVENUE BY SPECIAL WARRANTY DEED RESERVING A PUBLIC UTILITY AND ACCESS EASEMENT; PROVIDING FINDINGS OF FACT; PROVIDING SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS. – Gerald Gunstanson, City Manager

\*Motion made by Commissioner Moize to approve the second and final reading of Ordinance No. 2022-05-09-H and 2<sup>nd</sup> by Commissioner Butler. **Ayes: Moize, Butler, Casey; Abstain: Monroe; Motion Passed.** 

<u>Agenda Item 11:</u> Discuss/Consider: an update on repairs for Pine Street. – Andrew Lopez, Interim Public Works Director

\*Update was given by Interim Public Works Director, Andrew Lopez. Mr. Lopez stated the repairs have been made for the paving of Pine Street. No Action Taken.

# Agenda Item 12: Discuss/Consider: Consent Items; the Approval of Monthly Department Reports:

- Finance Report- Director Savannah Fortenberry
- Library Report- Librarian Diana McCullough
- REDC 4A Report- President Robert Butler
- REDC 4B Report- President Steve Gerdes
- Municipal Court Report- Judge Tammy Archer
- Fire/EMS Report- Chief Darrel Fox
- Police Department- Chief Moran
- Animal Control/Code Enforcement- River Gibson
- Public Works Report- Interim Director Andrew Lopez

# Agenda Item 13: Discuss/Consider: Adjournment- 6:40pm

\*Motioned by Commissioner Monroe to adjourn and Commissioner Moize 2<sup>nd</sup> the motion. All Ayes and Motion Passed.

These minutes were approved on the 23th day of May, 2022

	CITY OF RANGER, TEXAS	
ATTEST:	John Casey, Mayor	
Savannah Fortenberry, City Secretary		

<sup>\*</sup>A motion was made by Commissioner Moize was made to approve the reports and 2<sup>nd</sup> by Commissioner Butler. All Ayes and the motion passed.



A Called Meeting of the Governing Body of the City of Ranger, Texas, was held on Monday, May 16, 2022 at 3:00 p.m. in City Hall, 400 West Main Street Ranger, Texas. The following subjects were discussed, to wit:

Mayor

Place 1

Place 3

Place 2- Absent

Place 4- Absent

#### **COUNCIL MEMBERS AND CITY STAFF PRESENT:**

Honorable John Casey

Commissioner Larry Monroe

Commissioner Robert Butler

Commissioner Kevan Moize

Commissioner Bittni Boykin

City Manager Gerald Gunstanson

City Secretary Savannah Fortenberry

Interim Public Works Director Andrew Lopez

Honorable Tammy S. Archer

**Agenda Item 01: Call to Order-** Mayor Casey

Roll Call/Quorum Check- Mayor Casey

**Agenda Item 02: Citizen's Presentation: 1.** No participation.

Agenda Item 03: Discuss: Issuance of Certificate of Election; Administer Statement of Elected Council Members; and Administer Oath of Office to the newly elected Council Members, Place 2 and Place 4. - Tammy Archer, Municipal Court Judge

\*Samantha McGinnis was sworn in as Commissioner Place 4. No Action Taken.

Agenda Item 04: Discuss/Consider: RESOLUTION NO. 2022-05-16-F: A RESOLUTION OF THE CITY OF RANGER, TEXAS GRANTING THE AUTHORITY TO THE MAYOR TO EXECUTE CERTAIN CONTRACTS ON BEHALF OF THE ECONOMIC DEVELOPMENT CORPORATION AND TO SIGN CERTAIN DOCUMENTS RELATING TO THE SALE OF PROPERTY. PROVIDING FINDINGS OF FACT; PROVIDING SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS. - Gerald Gunstanson, City Manager

\*Motion made by Commissioner Moize to approve Resolution No. 2022-05-16-F and Commissioner Monroe 2<sup>nd</sup> the motion. All Ayes and Motion Passed.

# Agenda Item 05: Discuss/Consider: Adjournment- 3:06pm

\*Motioned by Commissioner Monroe to adjourn and Commissioner Moize 2<sup>nd</sup> the motion. **All Ayes and Motion Passed.** 

These minutes were approved on the 23<sup>rd</sup> day of May, 2022

	CITY OF RANGER, TEXAS		
ATTEST:	John Casey, Mayor		
Savannah Fortenberry, City Secretary			
Savannan Furtemberry, City Secretary			

#### **ORDINANCE NO. 2022-06-13-I**

AN ORDINANCE OF THE CITY OF RANGER, TEXAS REGULATING THE PLACEMENT AND INSTALLATION OF HUD-CODE MANUFACTURED HOMES AND MODULAR HOMES IN THE CITY; REQUIRING PERMITS; ALLOWING HUD-CODE MANUFACTURED AND MODULAR HOMES ONLY IN CERTAIN AREAS OF THE CITY; REGULATING MANUFACTURED HOME COMMUNITIES; PROVIDING FOR CERTAIN NON-CONFORMING USES; PROVIDING A PENALTY CLAUSE; PROVIDING SEVERABILITY, REPEALER, AND OPEN MEETING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Ranger, Texas is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, Section 1201.008 of the Texas Occupations Code requires that cities allow the use of HUD-Code Manufactured Homes as residences, in areas deemed appropriate, but allows cities to require a permit before a HUD-Code Manufactured Home is placed within a city, and also allow cities to prohibit the placement of Mobile Homes;

WHEREAS, the City Commission of the City of Ranger, Texas (the "City Commission") has determined that it is in the best interest of the general public to prohibit the future installation of Mobile Homes and regulate the placement of HUD-Code Manufactured Homes and the establishment of Manufactured Home Communities; and

WHEREAS, the City Commission determines that this ordinance is important to the public health, safety, and general welfare of the City of Ranger; and

WHEREAS, through the passage of this ordinance, City Commission finds that such regulations are in the public interest and necessary and proper for the good governance of the City of Ranger.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS THAT:

### **SECTION 1. DEFINITIONS**

"HUD-code manufactured home" also referred to as "manufactured home" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

"Mobile home" means a structure constructed before June 15, 1976; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home.

"Modular homes" also referred to as "industrialized homes" are structures designed for the occupancy of one or more families, that is constructed in one or more modular components built at a location other than the permanent site; and designed to be used as a permanent residential structure when the components are transported to the permanent site and erected or installed on a permanent foundations system.

#### **SECTION 2. MOBILE HOMES**

The placement or installation of Mobile Homes is prohibited. This prohibition is prospective and does not apply to a Mobile Home previously legally permitted by and used as a dwelling in the City.

## **SECTION 3. PROHIBITED AREAS**

HUD-Code Manufactured Homes may be located anywhere in the City of Ranger except for the following locations:

- 1) Lots or tracts of land fronting West Main Street
- 2) Lots or tracts of land fronting Highway Loop 254

HUD-Code manufactured homes are not permitted in these areas, nor shall any private or public utilities be connected or extended to HUD-Code Manufactured Homes placed in these prohibited areas.

It is an exception to this section if the HUD-code manufactured home or Mobile home was legally in existence at such location as of January 10, 2022, the HUD-Code Manufactured Home is allowed pursuant to a variance described in Section 9, or a HUD-Code Manufactured Home that is replacing a Mobile Home pursuant to Section 9.

### **SECTION 4. NON-CONFORMING USES**

A. In the event that a HUD-code manufactured home occupies a lot in a municipality in an area prohibited by this Ordinance, the owner of the HUD-code manufactured home may remove the HUD-code manufactured home from its location and place another HUD-code manufactured home on the same property, provided that the replacement is a newer HUD-code manufactured home and is at least as large in living space as the prior HUD-code manufactured home. An owner's ability to replace the home as a result of a fire or natural disaster cannot be restricted. Other than in the case of a fire or natural disaster, an owner is restricted to a single replacement of the home.

- B. The owner of a HUD-code manufactured home may, upon receipt of a permit, move the HUD-code manufactured home from its current location to another location within the city that meets the requirements outlined in this ordinance. This relocation does not authorize the owner to bring in a second HUD-code manufactured home to the original location under the single replacement option in the paragraph above.
- C. The disuse of a HUD-Code manufactured home for a period of one hundred eighty (180) days will constitute abandonment of the nonconforming use and the unit must be removed within 30 days. For a HUD-code manufactured home to be considered under the rules of abandonment, the dwelling must not have been connected to or have maintained active utility accounts for the dwelling during that period of time. Abandonment includes the intent to abandon; and the overt act or failure to act which carries the implication of abandonment.
- D. The owner of a nonconforming Mobile Home located within an area where HUD-Code Manufactured Homes are not allowed may replace the Mobile Home with a HUD-Code Manufactured Home after obtaining a variance pursuant to Section 9. Other than in the case of a fire or natural disaster, an owner is restricted to a single replacement of the home.

#### SECTION 5. HUD-CODE MANUFACTURED HOME LOT REQUIREMENTS

A. Area Regulations. The following shall be the minimum requirements for any lot, tract, or parcel of land to be eligible for any building permit for a HUD-code manufactured home.

# 1) Size of Yards.

- a. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have a double frontage, extending through from one street to another, the required front yard shall be provided on both streets.
- b. Side Yard. There shall be a side yard of not less than seven (7) feet in width on each side of the lot. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.
- c. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet measured from the rear lot line.

# 2) Size of Lot.

a. Lot Area. Lots served by the City wastewater collection system shall have a minimum of seven thousand (7,000) square feet; provided that, in such areas, the City Commission may by affirmative motion approve a HUD-code manufactured home subdivision in whole or in part in which not more than twenty-five percent (25 %) of the lots have less than 7,000 square feet but

not less than six thousand (6,000) square feet. All lots not served by the City wastewater collection system shall have a minimum area of twelve thousand five hundred (12,500) square feet.

- b. Lot Width. Lots with a minimum of seven thousand (7,000) square feet shall have a minimum width of fifty (50) feet at the applicable building line and for a distance of at least forty (40) feet behind the applicable building line. Lots with a minimum area of six thousand (6,000) square feet (not to exceed twenty five percent [25 %] of the lots in a subdivision whether the subdivision is submitted in sections or as a whole, as granted by the City Commission in a written variance) shall have a minimum width of fifty (50) feet at the applicable building line and for a distance of at least forty (40) feet behind the applicable building line. Lots with a minimum area of twelve thousand five hundred (12,500) square feet shall have a minimum width of eighty (80) feet at the applicable building line and the average width shall not be less than eighty (80) feet.
- c. Lot Depth. The average depth of the lot shall not be less than one hundred twenty (120) feet, except a corner lot, having a minimum width of not less than ninety (90) feet may have an average depth of less than one hundred twenty (120) feet provided that the minimum depth is no less than ninety (90) feet.
- B. Parking Regulations. Not less than three (3) off-street parking spaces shall be provided for each lot, tract, or parcel of land, for such land to be eligible for a building permit.

#### SECTION 6. PROVISIONS OF INSTALLATION

- A. HUD-code manufactured homes are regulated by the Manufactured Housing Division of the Texas Department of Housing and Community Affairs. These manufactured homes are provided with a (red) label certifying the structure meets the standards specified by the Texas Department of Housing and Community Affairs.
- B. Modular Homes (Industrialized homes) are regulated by the Texas Department of Licensing and Regulation. This agency provides a modular home with the blue decal signifying that the home has been built to the model code standards required. Modular homes are designated as real property. Modular homes may be located within the city limits of Ranger, Texas.

#### **SECTION 7. PERMIT REQUIRED**

(1) Permit required. A person must apply for a permit from the city for the installation of a HUD-code manufactured home on a single municipal lot or tract of land. The applicant will be charged a nonrefundable fee, in accordance with the City of Ranger Fee Schedule, to submit an application for a permit.

- (2) Applications shall be in writing, and signed by the applicant. All applications for permits shall contain the following:
  - 1. Name and address of the applicant.
  - 2. Location and legal description of lot for HUD-Code manufactured home placement, along with a copy of a duly recorded deed or lease in a form acceptable to the City Manager or City Secretary showing that the intended occupant owns or is leasing the lot upon which the HUD-code manufactured home is to be located.
  - 3. To the application shall be attached a copy of a site plan showing the location and orientation of the HUD-code manufactured home, the required setbacks, and any other information specifically required herein. Site plan shall show the following:
    - a. The area and dimensions of the lot, with identification of location and boundaries:
    - b. The location and specifications of water and sewer lines and riser pipes;
    - c. The location and details of lighting, electrical, and gas systems;
    - d. Other information the City reviewing officials may require.
    - e. In no event shall a Site Plan be approved if:
      - i. more than one HUD-code manufactured home is located on the lot; or
      - ii. the HUD-code manufactured is located on a lot upon which another residence is located:
      - iii. or all the requirements set forth in Section 5 of this Ordinance are not met.
  - 4. Notwithstanding anything stated in this Ordinance to the contrary, no less than one (1) lot, minimum 60 feet wide and 140 feet deep, shall be used for a Site Plan for location of the manufactured home.
- (3) No permit shall be issued until the owner/applicant is able to provide proof that the site intended for such HUD-code manufactured home is a well-drained lot properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (4) The City Commission shall approve, approve with conditions, or disapprove a HUD-Code Manufactured Home permit application 45 days after the date the application is filed. A permit is considered to be approved by the City Commission unless it is disapproved within that period.

#### SECTION 8. PARKING ON STREET OR OTHER PUBLIC PLACE

It shall be unlawful for any person to park any HUD-code manufactured home or mobile home on any public street, alley, highway, or other public place within the limits of the city for any of the following purposes:

- 1) Human occupancy at any time;
- 2) Storage for more than 24 hours; or
- 3) Any other purpose for more than 48 hours.

#### SECTION 9. VARIANCES OR EXCEPTIONS.

- A. Application. An application for a variance to any of the requirements or prohibitions contained in this ordinance shall be submitted to the City Secretary for consideration by the City Commission after a public hearing and with proper notice to all appropriate parties as identified within this ordinance. The City Manager or City Secretary will provide the applicant with a checklist that outlines requirements and timelines associated with granting variances or exceptions. The application shall include:
  - 1) The name and address of the applicant.
  - 2) Size, model, year of manufacture, original cost, and photograph of the HUD-code manufactured home and label.
  - 3) Legal description of the property upon which it is proposed to place the HUD-code manufactured home and name and address of the property owner. The person who intends to occupy such HUD-code manufactured home must submit a copy of a duly recorded deed or lease in a form acceptable to the City Manager or City Secretary showing that the intended occupant owns or is leasing the lot upon which the HUD-code manufactured home is to be located. No other structure designed or to be used for human occupancy shall be located on such lot, tract, or ownership parcel and the lot shall meet all applicable codes and ordinances for the intended use.
  - 4) Drawing or site plan showing size of lot, location of lot, boundaries, existing drainage ways and natural features, location of driveways and off-street parking, and how the HUD-code manufactured home.
  - 5) Form signed by the applicant stating that he or she understands the requirements of any property restrictions for the area in which the HUD-code manufactured home will be placed.
  - 6) Form signed by the applicant stating the HUD-code manufactured home will comply with all the provisions set out in Section 10 of this Ordinance.
  - 7) A manufactured home inspection report must be completed by the Code Enforcement Officer or other person designated by the City Mayor for reference by the City Commission.

## B. Hearing required.

1) A variance to the provisions of this section shall only be granted pursuant to a public hearing before the City Commission. The public hearing shall be published in the official, local newspaper not more than 45 days prior or less than ten days prior to the hearing date.

- 2) The property owner must submit adequate proof to the City Manager that the aforementioned and other ordinance requirements have been met before a hearing will be scheduled.
- 3) A written notice of the application shall be sent by the US Postal Service to the property owners and/or occupants within five hundred feet of any portion of the property on which the variance is sought at least fifteen days prior to the hearing.
- 4) The public hearing and property owner notification calendar utilized by the city shall be based on the statutory provisions of the laws of the state.
- 5) All advertising and notification costs shall be borne by the applicant for the variance.

## C. Granting.

- 1) Mobile Home. If a mobile home is being replaced by a HUD-code manufactured home, the variance is required to be granted.
- 2) HUD-code manufactured home. After the public hearing, the City Commission shall deny, approve, or approve with conditions. In exercising its power to grant a variance in accordance with this section, the City Commission shall make findings and show in its minutes that:
  - (A.) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and that justify the use of the property for HUD-code manufactured home purposes.
  - (B.) A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed, under this section, by other properties in the vicinity, but which rights are denied to the property on which the application is made.
  - (C.) The granting of the variance on the specific property will not adversely affect the land use pattern as outlined by a comprehensive plan or any area plan and will not adversely affect any other feature of a comprehensive plan or any area plan of the city. The variance may be granted by the City Commission with the condition that proof, satisfactory to the City Manager, be submitted to show that the dwelling will have adequate utilities, access roads, drainage, completed inspections for electrical, water, sewage, and/or gas lines as outlined in this ordinance.
  - (D.) The HUD-code manufactured home should be determined as compatible with the single-family dwellings located within five hundred feet of the lot.
  - (E.) The variance, if granted, will be of no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity. This means that the HUD-code manufactured home has a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred feet of the lot, as determined by the most recent ad valorem tax appraisal roll.

(F.) The City Commission must find that it is in the public interest to grant such a variance and that it does not violate the intent of this section or its amendments.

#### **SECTION 10. HUD-CODE MANUFACTURED HOME REQUIREMENTS**

- A. Applicability. All HUD-code manufactured homes must comply with the standards in this section or as required by Chapter 80 of Title 10 of the Texas Administrative Code. Final approval for the installation or location of a HUD-Code Manufactured Home is not complete until the requirements of this Section have been met.
- B. <u>Skirting</u>. All HUD-code manufactured homes shall be totally skirted with masonry, pressure-treated wood, or other nondegradable, fire resistant material which is compatible with the design and exterior material of the primary structure. Skirting shall include the necessary vents, screens and/or openings, shall be installed within thirty days after the placement of the manufactured home, and shall be maintained in good repair.

## C. Fuel Gas Piping Systems:

- 1) Crossover Connections: All underfloor fuel gas pipe crossover connections shall be accessible and be made with the connectors supplied by the home manufacturer, or, if not available, with flexible connectors listed for exterior use and a listed quick disconnect, or a shut-off valve. When a shut-off valve is used, it must be installed on the supply side of the gas piping system. The crossover connector must have a capacity rating (BTUH) of at least the total BTUH's of all appliances it serves.
- 2) Testing: The fuel gas piping system shall be subjected to an air pressure test of no less than 6 ounces and no more than eight ounces. While the gas piping system is pressurized with air, the appliance and crossover connections shall be tested for leakage with soapy water or bubble solution. This test is required of the person connecting the gas supply to the home but may also be performed by the gas utility or supply company.
- 3) The gas system must be inspected and tested for leaks after completion at the site.

#### SECTION 11. MANUFACTURED HOUSING COMMUNITIES.

- A. Permit required. If a person wants to improve or subdivide property for the purpose of creating a manufactured housing community in an area where HUD-Code Manufactured Homes are permitted, the person must apply for a permit from the city.
- B. Application for permit. Applications for a manufactured housing community permit can be obtained from and shall be filed with the city secretary. The applicant will be charged a nonrefundable fee, in accordance with the City of Ranger Fee Schedule, in order to submit an application for a permit. Applications shall be in writing, and signed by the applicant, and shall be accompanied by the following:
  - 1) The name and address of the applicant.

- 2) The location and legal description of the manufactured housing community. The applicant must submit a copy of a duly recorded deed in a form acceptable to the City Manager or City Secretary showing that the applicant owns the property upon which the HUD-code manufactured housing community is to be located.
- 3) The required fee.
- 4) A manufactured housing community plan as required by this section.
- 5) Plans and specifications of all buildings and other improvements to be constructed within the manufactured housing community in accordance with all existing applicable state laws and city ordinances.
- 6) Such further information as may be requested by the city to determine if the manufactured housing community will comply with the legal requirements.
- C. Design standards and/or community plan. The manufactured housing community shall be constructed in accordance with a community plan that conforms to the following requirements:
  - 1) The community shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
  - 2) Spaces for HUD-code manufactured homes shall be provided consisting of a minimum of 1,000 square feet for each space, which shall be at least twenty-five feet wide and clearly defined. HUD-code manufactured homes shall be placed on each space so that there shall be at least twenty feet clearance between homes; provided, however, that in respect to HUD-code manufactured homes parked end to end, clearance between homes may be less than 20 feet but shall not be less than 15 feet from any building within the community or from any property line bounding the community.
  - 3) The community plan must be submitted to the city prior to the installation of any HUD-code manufactured homes and shall comply with the city's subdivision ordinance, where applicable. The community plan shall provide a legal description and map clearly setting out the following information:
    - a. Identification of areas to be used for all residents of the community;
    - b. Identification of driveways at entrances, exits, roadways, and walkways;
    - c. Location of sites for HUD-code manufactured homes;
    - c. Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying space and utility rooms:
    - d. Method and plan of sewage disposal;
    - e. Method and plan of garbage removal;
    - f. Plan of water supply;
    - g. Plan of electric lighting, and electric service to HUD-code manufactured home sites;
    - h. Plan of parking requirements; and
    - i. Such further information as may be requested by the city.
  - 4) Every HUD-code manufactured housing community shall have city water connections furnishing an ample and adequate supply of water, shall have connection to electricity, and shall either be connected with the sanitary sewer or to a septic system in accordance with the community plan required above.

- D. Issuance of permit. If the applicant and the application are in compliance with all provisions of this section and all other applicable ordinances or statutes, the city secretary shall issue the permit after the application has been approved by the City Commission. The permit can be made contingent upon completion of the community according to the plans and specifications submitted with the application.
- E. Revocation of Permit. The city manager may revoke a permit to construct a HUD-code manufactured housing community, and may issue a stop work order, for any violation of this section. After such revocation and order, the permit may be reissued if the city manager determines that the circumstances leading to the revocation have been remedied and the community is being constructed in full compliance with the law and the provisions of this section.
- F. Applicability. This only applies to the development or creation of manufactured home communities not in existence as of the effective date of this Ordinance.

#### **SECTION 12. PENALTY**

Any person who violates or causes, allows, or permits another to violate any provision of this ordinance shall be charged with a Class C misdemeanor and, upon conviction therefor, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or, in the case of a violation of a provision of this ordinance that governs fire safety or public health and sanitation, a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this ordinance shall constitute a separate offense. Each day on which any such violation of this ordinance occurs shall constitute a separate offense.

### **SECTION 13. REPEAL**

Ordinance No. 2022-01-10B, adopted on January 10, 2022, is hereby repealed. All other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed to the extent of such conflict.

## **SECTION 14. SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect notwithstanding the validity of any part.

## SECTION 15. PROPER NOTICE AND OPEN MEETINGS ACT

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the public notice of the time, place,

and purpose of said meeting was given as required and that public notice, place, and purpose of said meeting was given as required by the open meetings act, chapter 551, Texas Government Code.

## **SECTION 16. EFFECTIVE DATE**

This Ordinance shall be in full force and take effect upon its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING on this 23rd day of May, 2022.

**PASSED, APPROVED, AND ADOPTED ON SECOND READING** on this the 13 day of June, 2022.

ATTEST:	THE CITY OF RANGER, TEXAS
Savannah Fortenberry, City	Secretary John Casey, Mayor

#### **ORDINANCE NO. 2022-XX-XX**

AN ORDINANCE OF THE CITY OF RANGER, TEXAS REGULATING THE USE AND STORAGE OF RECREATIONAL VEHICLES AND TRAVEL TRAILERS WITHIN THE CITY; REPEAL PREVIOUS ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; PROVIDING SEVERABILITY, CLAUSE; EFFECTIVE DATE AND OPEN MEETING CLAUSES; AND PROVIDING AN EFFECTIVE DATE FOR RELATED MATTERS.

WHEREAS, the City of Ranger, Texas is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City Commission (the "City Commission") of the City of Ranger, Texas the City Commission has determined that it is in the best interest of the general public to provide regulations for Recreational Vehicles, as determined appropriate by the City Commission; and

**WHEREAS**, the City Commission determines that this ordinance is important to the public health, safety, and general welfare of the City; and

**WHEREAS**, through the passage of this ordinance, City Commission finds that such regulations are in the public interest and necessary and proper for the good governance of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS THAT:

#### **SECTION 1. FINDINGS**

That the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in its entirety.

#### **SECTION 2. GENERAL**

The City does permit the storage of travel trailers and recreational vehicles within the city limits of Ranger. The City does not permit travel trailers or recreational vehicles for use as a dwelling within the city limits of Ranger, unless otherwise provided by this Ordinance.

#### **SECTION 3. DEFINITIONS**

For purposes of this ordinance, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1. Travel trailer means a house trailer-type vehicle or a camper trailer that is a Recreational Vehicle or that is less than eight feet six inches in width or 45 feet in length, exclusive of any hitch installed on the vehicle; is designed for use as temporary living quarters in connection with recreational, camping, travel, or seasonal use; is not used as a permanent dwelling; and is not a utility trailer, enclosed trailer, or other trailer that does not have human habitation as its primary function as defined in the Transportation Code Chapter 501 Sec. 501.002 (30).
- 2. Recreational Vehicle ("RV") means a vehicle or vehicular structure not certified as a manufactured home; designed only for recreational use and not as a primary residence or for permanent occupancy; and is either built and certified in accordance with either NFPA 1192 or ANSI A119.5 or any vehicle which is self-propelled.as defined in 24 CFR 3282.8(g).

<u>Travel trailers and Recreational vehicles shall comply with all local, state, and federal laws regarding registration, inspection, and safety.</u>

#### SECTION 4. RESTRICTED OR PROHIBITED AREAS

This Section Reserved.

# SECTION 45. STORAGE AND USE OF RECREATIONAL VEHICLES AND TRAVEL TRAILERS ELIGIBLE AREAS

- 1. Recreational vehicles and travel trailers shall only be stored:
  - 1.1 Inside an enclosed garage or other accessory building on any lot;
  - 1.2 In the side or rear yard of a lot; or
  - 1.3 On a driveway of a lot for no more than seventy-two (72) consecutive hours;

or

- 1.43 On a commercial lot, only if located in a duly permitted recreational vehicle or storage facility, or in a duly permitted recreational vehicle park, or
  - 1.4 On a driveway of a lot for no more than seventy- two (72) consecutive hours.
- 2. Except as otherwise provided for herein, no recreational vehicle or travel trailer shall be parked or stored within the front yard setback or in front of the front building plane of the primary building.
- 3. <u>Unless otherwise provided by Section 4(4), Nno</u> recreational vehicle <u>or travel trailer</u> shall be used for living, sleeping, office space, or operation of a business when parked or stored on a lot <u>as provided in Section 4(1)</u> in any location not approved for such use, either permanently or temporarily.
- 4. The City Manager may temporarily suspend the requirements of this section during times of emergency. In such cases, the City Manager shall issue a permit for the temporary use of a recreational vehicle or travel trailer, upon payment of the fee described in the fee schedule.

Commented [A1]: I think it is better to include the definition so people don't have to look up state law to know the definition. Also, this phrase was only used once in the ordinance, so I have added it so the regulations apply to RVs and travel trailers.

**Commented [A2]:** This statutory reference is outdated. The definition is actually in 24 CFR 3282.15(b).

#### **SECTION 56. UTILITY CONNECTIONS**

- 1. Permanent utility connections are not permitted to <u>travel trailers or</u> recreational vehicles.
- 2. Utility connections are permitted:
  - 2.1 When supplied by the primary residence; or
  - 2.2 As provided by a permitted recreational vehicle park;

#### **SECTION 67. PREEXISTING RECREATIONAL VEHICLES**

Recreational Vehicles or Travel Trailers utilized as dwellings in existence as of shall be considered grandfathered and shall be exempt from Sections  $\underline{45}$  and  $\underline{56}$ .

The exception does not extend to Recreational Vehicles or Travel Trailers that are determined to fall under the definitions of abandonment or determined to be a threat to public health or welfare as defined in Section 9 of this ordinance.

#### **SECTION 78. PARKING LOCATION**

It shall be unlawful for any person to park, situate on a public street or street easement of the City any RV or <a href="mailto:motorhome-travel trailer">motorhome-travel trailer</a> for a period longer than seventy-two hours. For purposes of this Ordinance, the seventy-two-hour window in this Section is intended to allow for temporary parking during active use of the personal property by the owner and is not intended to allow for long-term parking in multiple seventy-two-hour windows. Any person needing to park the vehicle for longer than seventy-two hours <a href="mailto:may-shall-obtain">may-shall-obtain</a> a permit from City Hall, <a href="mailto:upon-payment of the fee described in the fee schedule">may-shall-obtain</a> a permit allow for parking in excess of one week.

#### SECTION 9. UNSAFE AND ABANDONEMENT OF RECREATIONAL VEHICLES

The City has the authority to regulate unsafe recreational vehicles. If the city decides that a recreational vehicle poses a threat to public health and welfare, the city is within its power to regulate the recreational vehicle as a public nuisance.

Abandonment includes the intent to abandon; and the overt act or failure to act which carries the implication of abandonment.

#### **SECTION 840. RECREATIONAL VEHICLE PARKS**

- A. Permit required. If a person wants to improve or subdivide <u>a lotproperty</u> for the purpose of creating a recreational vehicle park, the person must apply for a permit from the city.
- B. Application for permit. Applications for a recreational vehicle park permit can be obtained from and shall be filed with the city secretary. The applicant will be charged a

Commented [A3]: We could regulate RVs as junked vehicles through that ordinance (if we have it), but we cannot just declare an RV a nuisance.

nonrefundable fee, in accordance with the City of Ranger Fee Schedule, in order to submit an application for a permit. Applications shall be in writing, and signed by the applicant, and shall be accompanied by the following:

1) The name and address of the applicant.

2) The location and legal description of the recreational vehicle park. The applicant must submit a copy of a duly recorded deed in a form acceptable to the City Manager or City Secretary showing that the applicant owns the property upon which the recreational vehicle park is to be located.

3) The required fee.

- 4) A recreational vehicle park plan as required by this section.
- 5) Plans and specifications of all buildings and other improvements to be constructed within the recreational vehicle park in accordance with all existing applicable state laws and city ordinances.
- 6) Such further information as may be requested by the city to determine if the recreational vehicle park will comply with the legal requirements.
- C. Design standards and/or community plan. The recreational vehicle park shall be constructed in accordance with a park plan that conforms to the following requirements:
  - 1) The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. The City has the option to establish zoning guidelines for the recreational vehicle park.
  - 2) Spaces for recreational vehicle shall be provided consisting of a minimum of 1,000 square feet for each space, which shall be at least twenty-five feet wide and clearly defined. Recreational vehicles shall be placed on each space so that there shall be at least twenty feet clearance between recreational vehicles; provided, however, that in respect to recreational vehicles parked end to end, clearance between recreational vehicles may be less than 20 feet but shall not be less than 15 feet from any building within the park or from any property line bounding the park.
  - 3) The park plan must be submitted to the city prior to the installation of any recreational vehicles and shall comply with the city's subdivision ordinance, where applicable. The park plan shall provide a legal description and map clearly setting out the following information:
    - a. Identification of areas to be used for all inhabitants of the park;
    - b. Identification of driveways at entrances, exits, roadways, and walkways;
    - c. Location of sites for recreational vehicles;
    - <u>de</u>. Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying space and utility rooms:
    - ed. Method and plan of sewage disposal;
    - fe. Method and plan of garbage removal;
    - gf. Plan of water supply;
    - he. Plan of electric lighting, and electric service to recreational vehicle sites;
    - ih. Plan of parking requirements; and

- ii. Such further information as may be requested by the city.
- 4) Every recreational vehicle park shall have city water connections furnishing an ample and adequate supply of water, shall have connection to electricity, and shall either be connected with the sanitary sewer or to a septic system in accordance with the park plan required above.
- D. Issuance of permit. If the applicant and the application are in compliance with all provisions of this section and all other applicable ordinances or statutes, the city secretary shall issue the permit after the application has been approved by the city manager-and/or the City Commission, as applicable. The permit can be made contingent upon completion of the park according to the plans and specifications submitted with the application.
- E. Revocation of Permit. The city may revoke a permit to construct a recreational vehicle park, and may issue a stop work order, for any violation of this section. After such revocation and order, the permit may be reissued if the city manager determines that the circumstances leading to the revocation have been remedied and the community is being constructed in full compliance with the law and the provisions of this section.
- F. Applicability. This only applies to the development or creation of new recreational vehicle parks.

#### **SECTION 11. PENALTY**

Any person who violates or causes, allows, or permits another to violate any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or, in the case of a violation of a provision of this ordinance that governs fire safety or public health and sanitation a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this ordinance shall constitute a separate offense. Each day on which any such violation of this ordinance occurs shall constitute a separate offense.

#### **SECTION 12. REPEAL**

All ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed to the extent of such conflict.

#### **SECTION 13. SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect notwithstanding the validity of any part.

Commented [A4]: It is better to provide for only one authorized person/entity to approve the permits.

#### SECTION 14. PROPER NOTICE AND OPEN MEETINGS ACT

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required and that public notice, place, and purpose of said meeting was given as required by the open meetings act, chapter 551, Texas Government Code.

### **SECTION 15. EFFECTIVE DATE**

This Ordinance shall be in full force and take effect upon its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING on this 23rd day of May, 2022.		
PASSED, APPROVED, AND ADOPTED Of, 2022.	N SECOND READING on this the day	
ATTEST:	THE CITY OF RANGER, TEXAS	
Savannah Fortenberry, City Secretary	John Casey, Mayor	



## ORDINANCE NO. 2008-07-28-02

AN ORDINANCE OF THE CITY OF RANGER, TEXAS, ADOPTING ANIMAL CONTROL REGULATIONS DESIGNED TO PROTECT THE PUBLIC HEALTH AND SAFETY; PROVIDING COMPREHENSIVE REQUIREMENTS FOR THE KEEPING AND CARE OF ANIMALS AND FOWL; PROVIDING FOR THE CONTROL, REGULATION, LICENSING, PERMITTING AND VACCINATION OF DOGS AND CATS; PROVIDING REGULATIONS AND REQUIREMENTS FOR OTHER ANIMALS, FOWL, LIVESTOCK AND WILD AND EXOTIC ANIMALS; PROVIDING FOR IMPOUNDING AND DISPOSITION OF ANIMALS RUNNING AT LARGE OR OTHERWISE IN VIOLATION OF THIS ORDINANCE; PROVIDING PROCEDURES FOR RABIES REPORTING AND CONTROL; PROVIDING CERTAIN EXEMPTIONS; PROVIDING FINES AND PENALTIES; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the proper care, regulation and control of animals, fowl and livestock is necessary for the health, safety and quality of life of the citizens of the City of Ranger, Texas (herein the "City");

Whereas, the establishment of reasonable requirements for the care and control of dogs, cats, animals, fowl and livestock is necessary to protect such animals and the general public;

Whereas, it is necessary for the City to adopt requirements and regulations which will enable the officers and employees of the City to respond in a manner consistent with State law to unusual circumstances and conditions that arise from time to time with respect to the keeping, care and control of domestic, wild and exotic animals; and

Whereas, the rules, regulations and requirements established by ordinance may not be inconsistent with State law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS, THAT:

- Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Commission hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.
- Section 2. <u>Animal Control Regulations Adopted</u>. The City Commission hereby adopts the "Animal Control Regulations" for the control and regulation of animals within the City of Ranger to read as set forth in and attached hereto entitled "Animal Control Regulations of the City of Ranger" attached to and incorporated in this ordinance as though fully transcribed herein for all purposes.
- Section 3. Amendment Of Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.





Section 4. Savings Clause. All rights and remedies of the City of Ranger are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 5. <u>Effective Date</u>. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 6. Severability. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Commission without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this 28th day of July, 2008.

PASSED AND FINALLY APPROVED on this the 11th day of August, 2008.

ATTEST:

Troy Emery City Secretary

THE CITY OF RANGER, TEXAS



## ANIMAL CONTROL REGULATIONS OF THE CITY OF RANGER

## Article I. In General

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Sec. 3.	Enforcement.
Sec. 4.	Powers and duties of citizens.
Sec. 5.	Penalty.
Sec. 6.	Prima facie evidence.
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Sec. 9.	Fees.
Secs. 1030.	Reserved.

# Article II. General Regulations

Sec. 31.	Identification for animals.
Sec. 32.	Running at large.
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Sec. 34.	Animal defecation prohibited in certain areas.
Sec. 35.	Wild animals or wildlife.
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# **Article III. Animal Protection Provisions**

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Sec. 68.	Pens and enclosures; sanitary requirements; minimum cage size; overcrowding.
Sec. 69.	Negligent care.
Sec. 70,	Animal in state of pain or suffering.
Sec. 71.	Sale of animals in public place.
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Sec. 73.	Slaughtering of animals.
Sec. 74.	Use of poisonous substances.
Sec. 75.	Cruel Treatment.
Sec. 76.	Abandonment.



Sec. 77. Creating a health hazard.

Sec. 78. Tampering with traps and equipment.

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Sec. 102.	Dangerous animals.
Sec. 102.	Potentially dangerous animals.
	Exceptions.
Sec. 104.	Nonregisterable Dangerous Dog.
Sec. 105.	Determination of nonregisterable dangerous dog.
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	Notification of determination of of determi
Sec. 108.	Status of dog pending appeal.
Sec. 109.	Defense to determination.
Sec. 110.	Disposition of a nonregiserable dangerous dog.
Sec. 111.	Registerable dangerous dog.
Sec. 112.	Determination of a registerable dangerous dog.
Sec. 113.	Notification of declaration of registered dangerous dog.
Sec. 114.	Status of dog on appeal.
Sec. 115.	Defense to determination of registerable dangerous dog.
Sec. 116.	Disposition of a registerable dangerous dog.
Sec. 117.	Requirements for registration and possession of registered
	dangerous dog.
Sec. 118.	Attack by registered dangerous dog.
Sec. 119.	Appeal from municipal court.
Sec. 120	Defense to prosecution for violation of registered dangerous dog.
Sec 121.	Penalties for violation of this article relating to dangerous dog.
Sec. 122.	Exhibitions of certain animals prohibited.
Sec. 123.	Prohibited animals.
Sec. 124.	Prohibited dangerous wild and other nondomestic animals.
Sec. 125.	Certificate of Registration of dangerous wild animals and other
nondomestic animals on	issuance of permit to operate circus or zoo.
Sec. 126.	Violation of Sections 122, 123, 124, and 125 relating to various
prohibited animals.	
Sec. 127.	Non-Applicability.
Sec. 128.	Guard dogs.
Secs. 129140.	
DCC3, 145""140.	*****

# Article V. Impoundment

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Sec. 142.	Tampering with animal shelter or impoundment vehicle.
Sec. 143.	Redemption of impounded animal.
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Sec. 147.	Impoundment of Estray and Livestock.
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Sec. 149.	Recovery by Owner.
Sec. 150.	Sale of Estray and Livestock.
Sec. 151.	Recovery by Owner of Sale Proceeds.
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Sec. 153. Death or Escape of Estray and Livestock.

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Sec. 161.	Vaccinations.
Sec. 162.	Vaccination of impounded animals.
Sec. 163.	Proof of vaccination; dismissal; fine.
Sec. 164.	License Required.
Sec. 165.	Revocation of License.
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Sec. 169.	Contents of required reports.
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Sec. 171.	Submission of head for rabies diagnosis.
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Sec. 181.	Permit Required.
Sec. 182.	Permits.
Sec. 183.	Facility Requirements for Permits to Board, House, or otherwise Keep Animals.
Sec. 184.	Revocation or suspension of commercial animal enterprise or multi-animal ownership permits.
Secs. 185190.	



# ARTICLE I. IN GENERAL

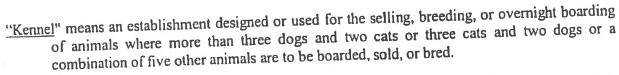
- Section 1. <u>Definitions</u>. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- "Abuse" shall mean to mistreat through intent to abuse or reckless neglect of any animal in a manner that causes or is likely to cause stress or physical injury or as otherwise stated in this Ordinance.
- "Animal" shall mean any living creature other than hominids. Unless indicated otherwise, the term shall include livestock, fowl, reptiles, amphibians, and wildlife, as well as dogs, cats and other creatures commonly owned as pets. The term shall exclude a fish and other small aquarium maintained creatures, not herein prohibited or restricted, where the owner only maintains no more than three aquariums having a total capacity of ninety gallons.
- "Animal Control Division", "Animal Control Authority", or "Animal Control Officer" shall mean the Animal Control Division of the City's Police Department, its' animal control officers and/or peace officers.
- "Animal shelter" or "City Kennel" shall mean a facility designated by the City Commission to be used for the impoundment of animals taken up by the Animal Control Officers or other similar facility that may be temporarily contracted or designated by the Chief of Police for animal impoundment under the provisions of this Act.
- "Animal welfare group" shall mean an association or nonprofit corporation who has as one of its purposes the providing for the welfare and/or protection of animals of any kind.
- "Authority" shall mean the local rabies control authority as defined in this section.
- "Brand" shall mean a mark made on the skin of any animal which indicates the ownership of the animal; typically used with livestock.
- "Cat" shall mean the male and the female of any domesticated member of the feline species of animals.
- "Chief of Police" shall mean the Chief of Police or the Chief of Police's designee responsible for the administration of this act.
- "Circus" shall mean a commercial variety show featuring animal acts for the public at a fee or a part of a charity.
- "Commercial Animal Enterprise" shall include but not be limited to enterprises such as kennels, pet shops, riding stables, animal auctions, performing animal exhibitions,





- animal training services, grooming shops, petting zoos, aviaries or any similar entrepreneurial relationship regarding animals.
- "Day" shall mean a workday including Saturday and excluding, Sunday and City holidays.
- "Dangerous Wild Animal" shall have the same meaning as defined in Chapter 822, Texas Health and Safety Code, Subchapter E.
- "<u>Distance between structures</u>" where a minimum setback or distance between any enclosure for an animal from a residence is required, shall mean the most direct line distance between the two structures, unless otherwise provided.
- "Dog" shall mean the male and the female of any domesticated member of the canine species of animal.
- "Domestic Animal" means any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild; any animal which can be vaccinated against rabies with an approved rabies vaccine; and any animal which has an established rabies quarantine observation period.
- "Estray" has the same meaning as defined in Chapter 142, Texas Agricultural Code, defining estray as stray livestock, stray exotic livestock, and stray exotic fowl.
- "Exotic Species" means any animal or reptile, fish, or bird, born or whose natural habitat is considered to be outside the continental United States, including nonvenomous reptiles and fish.
- "Fish" shall mean any of the cold-blooded animals that extract oxygen from water through the use of gills.
- "Fowl" shall include all birds, e.g., chickens, turkeys, pheasants, quail, guineas, geese, ducks, peafowl and other domestic feathered creatures and nondomestic feathered creatures, regardless of age or sex.
- "Governmental entity" shall mean an agency or political subdivision of the state or an agency or department of the federal government.
- "Harbor" means to possess while in the act of keeping and caring for an animal; or of providing a premises to which the animal returns for food, shelter or care for a period of three days or longer.
- "Habitual Offender" or "Habitually" means or refers to, an owner who has received two or more final convictions of this Ordinance or the owner of an animal who has been the subject of impoundment in the Animal Shelter three or more times during a 12-month period or any combination of convictions and impoundment totaling three incidents.

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- "Livestock" shall include, regardless of age, sex or breed, horses and all equine species, including mules, donkeys and jackasses; cows and all bovine species; sheep and all ovine species; llamas; goats and all caprine species; and pigs and all swine species.
- "Local rabies control authority" shall mean the senior Animal Control Officer, or an officer he designates to act in his place when he is temporarily unable to act for any reason.
- "Marine animal" shall mean any animal, other than a mammal or bird, that lives in a marine environment.
- "Multi-pet owner" means a person who keeps or harbors more than five cats or dogs or any combination of five cats and dogs. Puppies and kittens under four months of age shall not be counted for purposes of this definition.
- "Neutered" shall mean any animal, male or female, rendered incapable of breeding or being bred, i.e., castration in the male and spaying or ovariectomy in the female.
- "Nonregisterable dangerous dog" means any dog which:
  - (a) When unprovoked, severely attacked or inflicted serious injury or death to a person, whether on public or private property; or
  - (b) Has been deemed nonregisterable by the Animal Control Officer and upheld or unchallenged by any court of jurisdiction.
- "Owner" or "presumed owner" shall mean any person who has purchased or who owns, keeps, maintains, harbors or has care, custody or control of one or more animals. Ownership may be determined by identifying an adult resident of the premises upon which the animal is kept, maintained, harbored or otherwise resides and such adult shall constitute the owner of the animal upon such premise. Each actual resident of the premises shall be the owner or presumed owner and charged with responsibility for the animals thereon maintained or harbored.
- "Performing animals" shall mean any spectacle, display, act or event in which animals perform.
- "Person" shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.





- "policy or policies" shall mean the policies and procedures adopted consistent with this Act and applicable to the Animal Control Division of the City's Police Department.
- "Poison" shall mean a substance having an inherent harmful property which renders it, when taken into the system, capable of destroying animal life.
- "Premise" shall mean a definite portion of a legal lot of real estate or land, together with any appurtenances or buildings.
- "Prohibited Animals" means any animal prohibited by state or federal law and including any individual species and/or subspecies of the following animals: antelope, lions, tigers, ocelots, bobcats, lynx, cougars, leopards, cheetahs, jaguars, hyenas, bears, lesser pandas, ferrets born in natural habitats, binturong, ostriches, emus, elephants, Vietnamese pot belly pigs, miniature pigs, apes or such other nondomestic species of animal not common to this area.
- "Proper Enclosure" means a house or a building, or in the case of a fence or structure/pen, the fence or structure/pen must be at least four feet in height. The structure/pen must also have minimum dimensions of five feet by ten feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that an animal cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times and have secured sides to prevent a dangerous animal or registered dangerous dog from escaping from the enclosure. The structure/pen shall provide protection from the elements for the animal. The Animal Control Officer may require a fence higher than four feet or require a secure top and/or a secure bottom to the structure/pen if the need is demonstrated. Invisible fences or similar technology shall not constitute "proper enclosure."
- "Quarantine" means a period of ten days used for observation of a domestic or pet animal to determine the health status of that animal in relation to the rabies virus.
- "Quarantine by Owner" means an animal owner who quarantines with Animal Control Officer's permission under the following conditions:
  - (a) Animal must have current rabies vaccination and be registered with Animal Control;
  - (b) Animal must be inside an enclosed structure, i.e., house or garage, and must remain there for ten days;
  - (c) If maintained outside, animal must be behind a fence from which it cannot escape and on a chain from which it cannot break loose or inside a covered pen or kennel from which it cannot escape. The length of the chain must prevent the animal from making contact with the fence in which it is kept;



- (d) Animal must be kept away from other animals and people except those in the immediate household;
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- (e) Animal may not be removed from corporate City limits of Ranger while under quarantine;
- (f) Owner shall notify Animal Control Officer immediately if animal becomes sick or displays any behavioral changes;
- (g) Owner shall not subject the animal to any medical procedure, without first notifying the Animal Control Officer. This includes any vaccination;
- (h) Animal must be examined by the local rabies control authority or designee by the first day of home quarantine and again on the final day of quarantine. Upon final examination the authority may declare the animal to be free of the rabies virus or under questionable circumstance differ such examinations to a licensed veterinarian. In such instances, owner shall be responsible all associated costs and when required produce proof of such veterinarian examinations;
- (i) Owners who are deemed Habitual Offenders as defined herein, shall not be allowed home quarantine;
- (j) Owner must allow Animal Control, with reasonable notice, to view and confirm the health of the animal during the rabies quarantine period.
- "Rabies Vaccination" means the vaccination of a dog, cat or other domestic animal with an antirabies vaccine approved by the Texas Department of Health and administered by a veterinarian licensed by the State of Texas.
- "Registered Dangerous Dog" means any dog registered with the City in compliance with Chapter 822, Texas Health and Safety Code, Subchapter D, and with the section of this title addressing registered dangerous dogs.
- "Residence" shall mean any place of human habitation at any time, day or night, including, but not limited to, any single or multi-family dwelling, church, school, convalescent center or nursing home.
- "Restrained" shall mean any animal secured by a leash, rope or chain of some sort or confined through fencing or otherwise within the property limits of its owner.
- "Restricted Animals" means any individual species and/or subspecies defined herein as "Prohibited" animals that have been registered and permitted in compliance with the procedures set out in Section 125 herein.

"Running at large" (animals at large)





# (a) Off-premises:

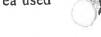
- 1. Any animal, except pet cats, which is not restrained by means of a leash, chain, or other physical apparatus of sufficient strength and length to control the actions of such animal while off-premises;
- 2. Any cat which is creating a nuisance off the owner's property.

## (b) On-premises:

- 1. Any animal, except pet cats, not confined to premises of owner by a substantial fence of sufficient strength and height to prevent the animal from escaping therefrom;
- 2. An animal intruding upon the property of another person other than the owner's shall be termed "at large";
- 3. Any animal within a vehicle in a manner that would prevent that animal's escape or contact with other persons or animals shall not be deemed "at large;"
- 4. Securing an animal by a chain, leash, or tether shall not satisfy the requirements for properly confining an animal onpremises.
- "Serious Injury" means bodily injury resulting from severe attack or severe bite from an animal which produces severe pain, trauma, loss of blood or tissue, and which requires medical treatment of wounds inflicted by the animal.
- "Severe Attack" means an attack in which the animal repeatedly bites or vigorously shakes its victim, and the victim, or a person intervening, has extreme difficulty terminating the attack.
- "Severe Bite" means a puncture or laceration made by an animal's teeth which breaks the skin, resulting in a degree of trauma which would cause most prudent and reasonable people to seek medical care for treatment to the wound, without considerations of rabies prevention alone.
- "Stray Animal" (including estray) means any animal, of which there is no identifiable owner or harborer, which is found to be at large within the corporate limits of the City.
- "Tag" shall mean a vaccination tag attached to a collar as required by this Ordinance or some other permanent identifying device attached to a collar or to an animal.
- "Tattoo" shall mean a permanent mark which is made on the skin of an animal by puncturing the skin and inserting indelible color, and which is used to show ownership.

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- "Unprovoked Attack" means that the animal was not hit, kicked, teased, molested or struck by a person with an object or part of a person's body, nor was any part of the animal's body pulled, pinched or squeezed by a person.
- "Vaccination" shall mean an injection of a rabies vaccine which is approved by the U.S. Department of Agriculture, Veterinary Biologics Division, state veterinarian and administered by a licensed veterinarian or at an approved antirabies clinic.
- "Veterinarian" shall mean any person duly licensed to practice veterinary medicine by the state board of veterinary examiners, or who is exempt from such licensing.
- "Workday" shall mean a day from Monday through Saturday, excluding City holidays, with each respective day's work hours beginning at 8:00 a.m. and continuously operating until 8:00 p.m.; defining the public's routine access to administrative fee(s) and impound release transactions authorized by this Ordinance.
- "Wild animal" or "wildlife" shall mean any nondomestic creature (mammal, amphibian, reptile or fowl) which is of a species which is wild by nature, which can normally be found in a wild state, and which is not naturally tame or gentle, or which, because of its size, vicious nature and other characteristics, constitutes a danger to human life or property including all animals identified herein as prohibited.
- "Zoological park" or "Zoo" shall mean any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of animals, operated by a person or under the auspices of a governmental entity.
- Purpose. It is the intent and purpose of this Ordinance to provide a safe and Section 2. healthy environment within the City for both animals and people. While a person may own and keep animals within the City, the conduct of those animals and the conditions that the animals are kept in should be safe and healthy and should not infringe on the surrounding homes and their inhabitants.
- Enforcement and Policy. (a) The provisions of this Ordinance may be Section 3. enforced by Animal Control Officers, police officers, and such other persons as are designated by the City. Nothing herein is intended to or shall preempt any statutory duty or authority of any federal, state, or local entity or official charged with animal control, estray, control or impoundment, or other animal related matters.
- (b) It shall be unlawful for any person to interfere with, obstruct, resist or oppose any Animal Control Officer or other person authorized to enforce the provisions of this Ordinance while such person is apprehending an animal or performing any other duties or investigation. It shall be unlawful to take or attempt to take any animal from any Animal Control Officer or from any vehicle used by the officer to transport any animal or to take or attempt to take any animal from the animal shelter or other kennel or confinement area used to impound an animal.





- (c) In all instances of a violation of any provision of this Ordinance, whether the animal is impounded or not, the owner or keeper of such animal may be cited by an officer who has the authority to enforce this Ordinance for any violation of this Ordinance. The Animal Control Division may also by policy establish a conditional written warning procedure relating to registrations, displaying of tags, and general "at large" violations. The receipt of such written warnings does not preclude the Animal Control Division from citing the recipient if the conditions of the written warning are not met in a timely fashion.
- (d) In the enforcement of this Ordinance, Animal Control Officers and police officers shall have the authority to utilize firearms to kill or otherwise disable any animal to protect themselves, to protect a third person or to protect another animal from attack or threat of imminent injury or to prevent such animal from enduring further pain or suffering as a result of disease or injury. They shall also have the authority to tranquilize or trap any animal, fowl, livestock or wildlife consistent with humane policies adopted by the Animal Control Division.
- (e) Unless specifically provided in this Ordinance, an offense under this Ordinance shall not require a culpable mental state. It is the intent of this Ordinance to impose strict liability for violation of the requirements of this Ordinance.
- (f) To aid in the administration of this ordinance, the Animal Control Division shall by policy making authority of the Chief of Police, adopt administrative policies and operational procedures consistent with the purpose and intent of this Act.
- Section 4. Powers and duties of citizens. Any person who finds an animal which he does not own on property that he owns or exercises control over or on public property may take control of said animal if it is running at large (as provided in Section 32) and may deliver the animal to an Animal Control Officer, the animal shelter, or an animal emergency medical facility. If the animal is not delivered to an Animal Control Officer, the animal shelter, or an animal emergency medical facility, the person must report that he had taken control of the animal to an Animal Control Officer or the animal shelter within seventy-two (72) hours. If animal is wearing a tag of any kind or has a tattoo, brand, or other identifying mark, that information shall be included in the report to the Animal Control Officer or animal shelter.
- Section 5. Penalty. (a) Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.
- (b) A person commits an offense if, with intent to deceive, he knowingly makes a false report or statement, either verbal or written, that is material to an investigation of an



alleged violation of this Ordinance to an Animal Control Officer or other person authorized to enforce provision of this Ordinance.



- (c) A person commits an offense if he reports to a person authorized to enforce provisions of this Ordinance an offense or incident within that person's concern knowing that the offense or incident did not occur.
- Section 6. Prima Facie Evidence. In any prosecution charging a violation of this Ordinance, governing the abuse, neglect or ownership of an animal or failure to license an animal as herein required, proof that the particular property described in the complaint was the premises upon which the animal resided, was harbored or maintained and a violation of any Section of this Ordinance occurred involving said animal, together with proof that the defendant named in the complaint was, at the time of such complaint or at the time when the animal was in violation of this ordinance, the registered owner of such animal or the person with legal rights to reside on said property, shall constitute in evidence a prima facie presumption that the registered owner of such animal or the person with legal rights to reside on said property was the owner of the animal and the person who failed to comply with the ordinance.
- Section 7. Abatement of Conditions not Complying with Ordinance. Whenever any premises where animals are kept in an unsanitary conditions, or the facilities are not in keeping with provisions of this ordinance or any other regulations herein, the Animal Control Division, by written notice on a form provided by police department policy clearly stating the intent of this section, to the person responsible for the condition of the premises, may order the abatement of the conditions which are not in accordance with the ordinance or other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the City to obtain relief by injunction. Nothing herein precludes the City's use of any public health ordinance or law in lieu of nuisance abatement or injunctive relief herein provided.
- Section 8. Compliance with Ordinance not Relief from Compliance with Other Regulations. The keeping of any animal in accordance with provisions of this ordinance shall not be construed to authorize the keeping of the same in violation of the zoning ordinance or any other ordinance of the City.
- Section 9. Fees. The fee schedule attached as Appendix "A" shall apply to all animals within the City limit. It shall not be construed that the City be required to bear the costs of any animal that has an owner. The owner shall reimburse the City for any actual expenses and shall be responsible for all fees set forth in attached Appendix "A". The City may recover all fees, costs and damages incurred as a result of the animal as restitution in a criminal proceeding under the provisions of this ordinance or the State statute in addition to a fine being charged. In extra ordinary circumstances certain fees related to redemption of impounded animals may be administratively waived for owners with supervisory approval; or pay agreements reached between owners and Animal Control Supervisor(s). Such administrative actions shall be guided by Animal Control's adopted policies and procedures.





Secs. 10--30. Reserved.



### ARTICLE II. GENERAL REGULATIONS

- Section 31. <u>Identification for animals</u>. Except as provided herein, all animals within the City shall be marked by some type of identifying license, tag, band, tattoo or brand by which the animal's owner can be identified. Animals exempted from this requirement are mice, rats, rabbits, guineas, hamsters, gerbils, ferrets, fowl and snakes.
- Section 32. Running at large. (a) Responsible Party. It shall be unlawful for any person who owns, keeps, harbors or otherwise has control over any animal within the City to allow or permit such animal to run or be at large within the City.
- (b) Cats. The prohibition against an animal running at large shall not apply to a domestic cat which has been vaccinated as required by this Ordinance and which is wearing the required vaccination tags. The prohibition shall apply to all other cats.
- (c) Restraint Required. An animal shall be considered to be at large if it is not under the control of its owner by either a leash, chain, cord or other suitable material attached to a collar or harness, or not restrained on the property of the owner by a fence of sufficient strength and height to prevent the animal from escaping therefrom. An animal inside a vehicle parked in a public place or in the open bed of a moving or parked vehicle in a public place shall be considered to be at large unless it is restrained in such a manner that it cannot exit the vehicle of its own volition.
- (d) Snakes. It shall be unlawful for any person to have a snake in any park or other public place unless it is within some type of cage, pen or enclosure.
- (e) Impoundment. The Animal Control Officer for the City may impound any animal observed to be at large, whether the animal is on public or private property, subject to the applicable provisions of the law. If the Animal Control Officer observes an animal on property which is owned by a person other than the owner of the animal, and observes the animal return to property of its owner, the Animal Control Officer may impound the animal or issue a citation for the animal running at large. In the event the animal is on private property or property of the animal's owner the Animal Control Officer, his/her agent, or peace officer may enter the property, other than a private dwelling for the purpose of impoundment or issuance of a citation, or both, subject to the applicable provisions of the title and law.
- (f) Prima Facie Evidence. Proof that an animal was found at large in violation of this section, together with proof that the defendant was the owner of such animal at the time, shall constitute prima facie evidence that the defendant allowed or permitted the animal to be at large.
- Section 33. Confinement During Estrus. (a) Secured Enclosure Required. Any unspayed female dog or cat in the state of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure and the area of enclosure shall be so constructed that no other dog or





cat may gain access to the confined animals except for controlled breading permitted by the owner of the female.

- (b) Chaining or Tethering. Additionally, the female dog or cat shall not be chained or tethered, except in a secured enclosure, and if chained or tethered within a secured enclosure, the female dog or cat may not be chained or tethered in a manner that prevents her from defending herself or from avoiding a male.
- (c) Removal of the Animal. Owners who do not comply shall be ordered to immediately remove the animal in heat to a veterinary hospital or the animal shelter. Failure to comply with the removal order of the Animal Control Officer shall be a violation of this ordinance and the dog or cat will then be impounded as prescribed herein. All expenses incurred, as a result of this confinement, shall be paid by the owner.
- Section 34. Animal defectation prohibited in certain areas. (a) It is unlawful for the owner or person in control of an animal to intentionally, knowingly, recklessly or with criminal negligence allow or permit such animal to defecate on any public property or improved private property other than that of the owner of the animal. That the animal was at large at the time it defecated on any property shall constitute a prima facie evidence that the owner or person in control of the animal allowed or permitted the animal to so act.
- (b) Exception. It is an exception to the application of this section that the owner or person in control of the animal immediately removed and cleaned up such animal's feces from public or private property.
- Section 35. Wild animals or wildlife. (a) No person shall possess, keep or have care, custody or control of a prohibited animal wild animal or wildlife within the City except as provided herein.
- (b) All persons shall be prohibited from selling, giving, transferring or importing into the City any wild animal.
- (c) This section shall not apply to approved zoological parks or circuses. Nor shall this section apply to primary and secondary schools, colleges and universities, zoological parks owned or operated by a governmental entity or any animal assisting physically handicapped persons.
- (d) It shall be a defense to prosecution under this section that the animal being kept was an infant or injured animal which was not capable of surviving on its own and that such animal was kept for three days or less, or for such reasonable time as was necessary before giving the animal to a licensed wildlife rehabilitator.
- Section 36. Nuisance animals. (a) As used in this Article, a nuisance animal shall be defined as any animal that commits any of the acts listed herein:



- 1. Molests or chases pedestrians, passersby or passing vehicles, including bicycles, or molests, attacks or interferes with other animals or persons on public property or private property other than the owners;
- 2. Makes unprovoked attacks on other animals of any kind or engages in conduct which establishes such animal as a "Dangerous Animal";
- 3. Is repeatedly at large; specifically, three or more times per 12-month period (excluding domestic cats);
- 4. Damages, soils or defiles public property or private property, other than property belonging to or under the control of the owner;
- 5. Repeatedly defecates on property not belonging to or under the control of its owner, unless such waste is immediately removed and properly disposed of by the owner of the animal (including domestic cats);
- Barks, whines, howls, crows, crackles or makes any noise excessively and continuously, and such noise disturbs a person of ordinary sensibilities;
- 7. Produce odors or unclean conditions sufficient to annoy persons living in the vicinity; or
- 8. Is unconfined when in heat.
- (b) If the Animal Control Officer determines that any animal is a nuisance, the Animal Control Officer may issue an order requiring that the owner meet certain remedial requirements to correct the conduct of the animal. The order, the form of which shall be provided for by policy, shall be given to the owner by personal service or by certified mail, return receipt requested. The owner may file a written appeal to this order clearly stating the reasons for the appeal, to the Chief of Police within 10 days of service. Chief of Police or designee shall conduct a hearing to determine the issues stated in the written appeal. At the hearing the formal rules of evidence do not apply. The Chief shall make his/her decision on the basis of preponderance of the evidence presented. The decision of the Chief shall be rendered within 30 days from receipt of the appeal and the decision of the Chief shall be final. Nothing herein precludes the City from seeking other remedies if owner's fail to comply with the remedial requirements stated or the decision(s) rendered in the appeal process.
- (c) Persons residing within 600 feet of a person who harbors or keeps an animal that they believe to be a nuisance may initiate a written, signed complaint, the form of which shall be provided for by policy, with the Animal Control Division. Animal Control Division shall investigate the merits of such complaints to determine if the stated animal is a nuisance as defined herein this section. If the animal is determined to be a nuisance animal the procedure setforth in (b) of this section shall apply.





- Section 37. <u>Honeybees.</u> No person shall construct, place or maintain any beehive within 300 feet of any residence other than that of the owner except with the consent of the occupants of all such residences.
- Section 38. Pens and coops; location. (a) All fowl and rabbits shall be kept within a pen, coop or hutch. A fenced yard shall not qualify as a pen or coop.
- (b) Any person keeping or harboring any animal, other than livestock, shall locate any pen, coop, hutch or other housing at least 50 feet from any residence, excluding the residence of the person keeping or harboring the animals.
- Section 39. <u>Livestock</u>. (a) It shall be unlawful for any person owning or having care, custody or control over any livestock, except the horses used by the City Police Department, to:
  - 1. Cause or permit any livestock to be pastured, herded, staked or tied in any street, lane, alley, park or other public place; or
  - 2. Tie, stake or pasture or permit the tying, staking or pasturing of any animal upon any private property within the City without the consent of the owner or occupant of such property; or in such a way as to permit any livestock to trespass upon any street or other public place or upon any private property; or
  - 3. Permit any livestock to be or remain during the nighttime secured by a stake, or secured in any manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such livestock.
- (b) It shall be unlawful for any person to keep or harbor any livestock within the City in a pen or other enclosure situated at any point closer than 200 feet to any residence or building occupied by any person during any part of the day or night, excluding the residence of the person keeping or harboring the livestock.
- (c) It shall be unlawful for any person to keep or harbor any livestock within the City in a pen or other enclosure which has less than 400 square feet of area for each livestock.
- Section 40. Storage of feed. All feed provided for animals, other than hay, shall be kept in an enclosed building or container except when being used to feed an animal.
- Section 41. Other Restrictions. (a) Hogs. The keeping of hogs is prohibited.
  - (b) Keeping of Animals Near City Water Supply.
    - 1. It is unlawful and constitutes an offense for any person, whether for himself or as the agent or servant of another or others, to keep or to participate in



keeping any horse, hog, cattle, sheep, goat, other livestock and/or fowl in any pen or lot used to confine any such multiple animal operation within 500 feet of any water supply wells from which the City obtains its principal water supply as specified in the official Texas Administrative Code published under authority of the Secretary of State, Title 31, Natural Resources and Conservation, Section 290.41 (c)(1)(C)(D)(F).



- 2. "Keeping" means the care and control of the livestock or fowl in question for a period of longer than five days.
- (c) Keeping of Animals and Fowl Restricted. It is unlawful and constitutes a nuisance to keep any horse, cattle, sheep, goat, rabbit or other livestock, including fowl, at any place within the City, when the place where the same are kept is within 200 feet of any private residence or dwelling place or within 500 feet of any building or establishment open to the public, with the exception of park land, or if the animal or fowl in question is kept in a manner and under conditions wherein by reason of the odors emanating therefrom, the noise made by it or from any other cause pertaining to it or pertaining to the manner or to the place at which it is kept is reasonably calculated to annoy, offend or disturb the reasonable sensibilities of inhabitant of a private residence, or person(s) occupying or visiting an establishment open to the public. The distance provisions do not apply to park land; however, other requirements of this section relating to the manner in which animals are kept shall apply to such park land.
- (d) Keeping of Animals and Fowl Proof Constitutes Prima Facie Case. Proof that one dozen or more of such fowl or animals as described in subsection (c) above, or any combination thereof, are being kept at any one time at a place within the City that is within 200 feet of the private residence of another, or within 500 feet of any building or establishment open to the public, shall be sufficient to make out a prima facie case, and unless such prima facie case is overcome by sufficient evidence, it shall warrant a conviction under the provisions of this section.
- (e) Keeping of Animals and Fowl Exceptions to Distance Restrictions. The distance restrictions and livestock prohibitions of this ordinance do not apply to property zoned as Agricultural (A) according to the Zoning Ordinance of the City of Ranger. The distance restrictions of this ordinance do not apply to property zoned as Residential Estate (RE) according to the Zoning Ordinance of the City of Ranger, or to property properly zoned or used (as in continuing use) as veterinary clinics or facilities or established kennels that are for the purposes of care or boarding animals or existing shipping pens utilized for temporary holding before shipment or sale.
- (f) Dead Animals and Fowl. It is unlawful for any person in the City to cause to be placed or place, or allow to remain in or near his premises or the premises of any other person, or in any of the streets or other public roadways, any dead animal, either wild or domesticated, or any dead fowl, either wild or domesticated.
- Section 42. Animals Held on Complaint. If a complaint has been filed in Municipal Court of the City against the owner of an impounded animal for a violation of this title the animal may be held on the order of the Municipal Judge who may also direct the owner to pay any penalties for violation of this ordinance in addition to all impoundment fees. Surrender of an animal by the





owner thereof to the Animal Control Officer does not relieve or render the owner immune from the decision of the court nor from the fees and fines which may result from a violation of this ordinance.

- Section 43. Removal of Animals from Confinement. (a) Removal of Animals from Confinement. It shall be unlawful for any person to remove or allow to escape from any place of confinement any dog or cat which has been confined or ordered to be confined by the City, without the consent of the Animal Control Division.
- (b) Release of Confined Animals. It shall be unlawful for any person to knowingly or intentionally enter upon the property of another persons for which the person is not given specific permission to enter for the purpose of releasing a confined, chained or tethered animal.
- (c) Impounding Interfering with Officers. It shall be unlawful for any person to interfere or attempt to interfere with the Animal Control Officer or to interfere or attempt to interfere with any person acting for the City in the taking up and impounding of animals in the City.

Secs. 44--60. Reserved.



## ARTICLE III. ANIMAL PROTECTION PROVISIONS

- Section 61. Animals in motor vehicles. (a) It shall be unlawful for any person to leave any animal in any standing or parked vehicle in such a way as to intentionally, knowingly, recklessly, or with criminal negligence endanger the animal's health, safety or welfare. An Animal Control Officer, or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered if the owner of the vehicle cannot be located after reasonable attempts. The animal shall be taken to the animal shelter or to a veterinarian if the animal is in distress. A written notice bearing the name of the officer removing the animal, a telephone number where he can be contacted and the location where the animal may be claimed by the owner shall be attached to the vehicle. Any person violating this section shall bear the full cost and expense incurred by the City in the care, medical treatment, impoundment cost and disposal of the animal, including the removal from a vehicle in addition to any criminal penalty that may be imposed under this section.
- (b) Instances where occupants of motor vehicles are involved in a traffic accident or other vehicle related incidents which result in animals being left uncontrolled or unattended, animal control or police officers of the city are authorized to take welfare custody of such unattended animals. In the interest of the health, safety or welfare of such animals, officers are authorized to transport such animals to the City's kennel facility, a veterinarian, humane shelter, or an animal emergency clinic. Information shall be provided to the animal's owner as to the animals disposition. Animal owners shall bear full cost and expense incurred by the city in the care, medical treatment, impoundment costs or other associated costs.
- Section 62. <u>Duty of motor vehicle operator to report accident involving animals</u>. (a) Any person who, as the operator of a motor vehicle within the City, strikes any animal shall report the accident to the police department within a reasonable time if the animal stricken is on or near the roadway so that it constitutes a potential traffic hazard. It shall be an affirmative defense to any violation under this section that the incident occurred while the operator was responding to an emergency and that the incident was reported as soon as possible.
- (b) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or the local humane society.
- Section 63. <u>Tethered animals</u>. It shall be unlawful for any person to tether, chain or fasten any animal in such a manner as to permit it to be upon any public sidewalk or street or to leave it unattended while tethered, chained or fastened on public property. It shall be unlawful to tether, chain or fasten an animal in such a manner as to cause it injury or pain or not permit it to reach shelter, food and water.
- Section 64. Selling dved animals. It shall be unlawful for any person to sell or offer for sale, raffle, offer or give as a prize, premium or an advertising device or cause to be displayed in any store, shop, carnival or other public place an animal or fowl of any kind that has been dyed or otherwise colored artificially.



- Section 65. Giving animals as prizes or inducements. (a) No person shall give away any live animal, reptile, fowl, livestock or wildlife as a prize for or as an inducement to enter any contest, game or other competition; or as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade. This prohibition shall apply to carnivals, fairs and circuses.
- (b) The prohibition contained in this section shall not apply to fish or to animals given as prizes at a rodeo contest or livestock show or as part of an FFA, 4-H or similar project.
- Section 66. Trapping and shooting. (a) Trapping Prohibited. It shall be unlawful to set, trigger, activate or otherwise use, or cause to be set, triggered, activated or used, any steel-jawed, leg-hold trap or for any person, other than Animal Control Officers, to set or otherwise use other trapping devices including "live traps" used for the capture of any animal. Consistent with the provisions herein, the Animal Control Division is authorized to utilize humane "live traps" and may conduct trapping operations or provide or authorize such devices' use to property owners as may be needed throughout the City. This subsection is not intended to prohibit the prudent use of traps on one's own property to control rodents.
- (b) Hunting Prohibited. It shall be unlawful for any person to hunt, shoot, intentionally injure or kill any wild bird, animal, mammal or reptile within the corporate limits of the City. It shall be unlawful for any person to hunt, shoot or kill, within the City, any domestic bird, animal, mammal, reptile or pet that is not owned by such person. Except this subsection shall not be construed or interpreted to prohibit the destruction of poisonous snakes or to prohibit Animal Control Division from utilizing certain firearms in emergency field conditions where such actions are provided for by law or policy.
- (c) Domestic Animals. It shall be unlawful for any person to shoot a domestic animal within the corporate limits of the City. It shall be a defense to prosecution that the domestic animal shot was a vicious animal and presenting an immediate threat to personal or public safety. Except this subsection shall not be construed or interpreted to prohibit Animal Control Division from utilizing certain firearms in emergency field conditions where such actions are provided for by law or policy.
- Section 67. Molesting animals. It shall be unlawful for any person to in any manner tease, annoy, disturb, molest or irritate an animal that is confined to the owner's premises.
- Section 68. Pens and enclosures; sanitary requirements; minimum cage size; overcrowding. (a) The owners of any animal shall maintain and keep all pens, coops, kennels, fenced areas and enclosures of any kind in a sanitary condition. This shall include the following:
  - 1. All animal wastes shall be disposed of promptly and all pens and enclosures shall be cleaned as needed to prevent odors, and not draw insects or other vermin or create a nuisance.



 The premises upon which animals are kept shall be clean and free from noxious and unpleasant odors.



- 3. Some standard spray or other chemicals shall be used at reasonable intervals to keep the premises free of flies, mosquitoes, ticks, fleas and other vectors.
- (b) Cages, pens or enclosures used to confine animals shall be of sufficient size to maintain all of the animals within such pen or enclosures comfortably and in good health.
- Section 69. Negligent care. (a) It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, water, shade, adequate shelter, veterinary care when needed to prevent suffering, grooming when lack thereof would adversely affect the health of the animal, and with humane care and treatment.
- (b) To provide "adequate shelter" for a dog or cat kept outdoors, a person must provide a shelter accessible to the dog or cat meeting the following standards:
  - 1. The shelter must provide protection from the weather, i.e., sun, wind, precipitation (in whatever form), or other inclement weather conditions.
  - 2. If there are no artificial heat sources, the structure shall be small enough to allow the dog or cat to warm the interior of the structure and maintain its body heat, but large enough to permit normal postural adjustments, or standing.
  - 3. Plastic air shipping containers and/or pet carriers shall not be used as outdoor shelters.
- (c) A written warning of violation requiring that the condition be corrected within a specified time period shall be issued to a person before any notice to appear at the municipal court may be issued or before a complaint may be filed with the municipal court.
- Section 70. Animal in state of pain or suffering. (a) If any animal without a license tag or other identifying marker is found in a state of pain and suffering or becomes so during confinement, the Animal Control Division may dispose of the animal in any humane manner without complying with the three-day (72-hour) waiting period as set out herein.
- (b) If the owner or keeper of an animal found in a state of pain or suffering refuses to assume responsibility to care for the animal, the Animal Control Officer may dispose of the animal in a humane manner.
- Section 71. Sale of animals in public place. (a) Not in lieu of or withstanding any permit requirements imposed herein, if an animal is offered for sale in a public place within the City, the person offering the animal for sale, the owner of the animal, the manager of the property which is the public place on which the offer is being made, and the owner of the



property which is the public place on which the offer is being made, shall be responsible for ensuring that the animal protections of this Article are complied with in regard to the animal offered for sale in a public place during the time the animal is in the public place.

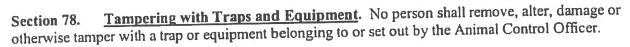
- (b) The term "public place" as used herein shall mean any place to which the public or a substantial group of the public has access. It shall include, but is not limited to, shops, stores and flea markets.
- (c) If an animal offered for sale in a public place is kept within a cage or pen of any type, such cage or pen shall comply with the following requirements:
  - 1. The cage or pen must be large enough for the animal to stand on all of its legs and hold its head in a natural position and not be in a crouched position. The cage or pen must also have enough room for the animal to turn around or move without stepping on another animal, animal feces or food or water provided for the animal.
  - The cage or pen must either have room for water and food or have water and food situated so that the animal has access to it through the cage.
  - 3. The cage or pen must be situated so that air may circulate through it, so that any animal kept within the cage or pen is not exposed to extreme heat. During cold or inclement weather, cages or pens should be situated so that animals contained therein may stay warm and stay dry.
- Section 72. Animal fights and fighting paraphernalia. (a) It shall be unlawful for any person to intentionally, knowingly, recklessly, or with criminal negligence use, or allow or permit to be used, property that he owns or has control over for the purpose of conducting animal fights. For purposes of this section, "animal" shall mean a domesticated living creature and wild living creature previously captured, other than a dog.
- (b) It shall be unlawful for any person to possess animal fighting equipment within the City. As used herein, the term "animal fighting equipment" means any equipment used for training, handling, housing, feeding or transporting fighting animals. The term also includes animals being used, trained or bred for fighting or intended to be used, trained, or bred for fighting.
- Section 73. Slaughtering of animals. Animals may be slaughtered for human or animal consumption within the City, provided it is done at a location that is shielded from sensory perception of the general public, and provided it is done in a manner designed to cause the animal's death as quickly as possible without needless suffering.
- Section 74. Use of poisonous substances. (a) It shall be unlawful for any person to administer poison to an animal belonging to another without legal authority or the owner's



effective consent. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any domestic animal or person.



- (b) It shall be unlawful for any person to recklessly or with criminal negligence injure another's animal by leaving a poisonous substance of any kind in any place within the City.
- (c) The provisions of subsection (a) and (b) shall not apply to an exterminator using poisons as part of a pest control program, nor shall it apply to persons using commercial insecticides and rodent baits used to control insects and wild rodents. For purposes of this section, the term "exterminator" shall mean an individual licensed by the Texas Structural Pest Control Board, unless he or she is exempt from such licensing.
- Section 75. <u>Cruel Treatment</u>. No person shall beat, cruelly ill treat, torment, mentally abuse, overload, overwork or otherwise abuse an animal or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.
- Section 76. Abandonment. No person shall abandon an animal in his/her custody.
- Section 77. <u>Creating a Health Hazard</u>. Any person who shall harbor or keep animals on his/her premises, or in or about a premises under his/her control, and who allows such premises to become a hazard to the general health and welfare of the community, or who shall allow such premises to give off obnoxious or offensive odors due, to the activity or presence of such animals, shall be guilty of a Class "C" misdemeanor.



Secs. 79--100. Reserved.



#### ARTICLE IV. DANGEROUS ANIMALS

Section 101. Purpose of Article. It is the intention of this Article to provide a means of dealing with an animal that is dangerous or, by its conduct, has indicated that it may represent a danger in the future. In interpreting the definitions contained in this Article and in implementing its provisions, the Animal Control Officer shall recognize the right of a person to use an animal as a protector or as a guard; however, the Animal Control Officer shall also take into consideration the right of a neighborhood to be free from fear that an animal may leave the premises of its owner or keeper and attack and injure a person or other domestic animal. It is also the intention of this Article to provide public safety regarding dangerous wild animals and other potentially dangerous nondomestic animals, as well as, providing avenues for permitting the safe exhibition of certain animals for public entertainment.

Section 102. <u>Dangerous animals</u>. (a) A dangerous animal shall be defined as an animal which:

- 1. Has inflicted injury on a human being without provocation on public or private property; or
- 2. Has killed or severely injured a domestic animal without provocation while off the owner's property; or
- 3. Is trained or harbored for fighting which may be determined based on whether the animal exhibits behavior and/or bears physical scars or injuries which indicate that the animal has been trained or used for the purpose of fighting; or
- 4. Is a warm-blooded mammal which is known to carry or be susceptible to the rabies virus and which can not be effectively vaccinated against that virus with any vaccine approved by the Texas Department of Health; or
- 5. Is a hybrid animal or any pet wildlife which has attacked a human or which is apprehended or observed unrestrained; or
- 6. Is a venomous or carnivorous fish or reptile or any fish or reptile that grows over six feet in length.
- (b) If an animal acts as stated in subsection (a) of this section, the Animal Control Officer shall impound the animal immediately if it is at large; or, if it is in the possession of some person, the Animal Control Officer may issue a notice requiring that the animal be taken to a designated location for impoundment. The form of such notice shall be provided for by policy. An animal which is impounded shall not be released until a final determination is made on the disposition of the animal.

## ORIGINAL

- (c) Notice shall be given to the owner that the Animal Control Officer has determined that the animal is a dangerous animal. This notice shall also set out the remedial requirements which the owner must comply with. This notice shall be given to the owner by personal service or by certified mail, return receipt requested. The owner shall have five working days from receipt of the notice to file a letter with the Chief of Police stating that [s]he shall comply with the remedial requirements as stated in the notice or that [s]he disagrees with the determination that the animal is dangerous or the remedial requirements and that [s]he requests a hearing before the Chief of Police or designee. Such hearing shall be conducted as provided for Nuisance Animals of this Ordinance.
- (d) If the owner of a dangerous animal cannot be determined after reasonable efforts to do so and after holding the animal for 72 hours, the animal may be disposed of in a humane manner. If the owner of a dangerous animal which has been impounded cannot be located for the delivery service of the notice required herein either in person or by mail, the animal may be disposed of in a humane manner after all reasonable effort has been made to locate such owner.
- (e) If the animal's behavior creates a more dangerous situation even though the owner is complying with the remedial requirements, the Chief of Police or designee may again review the situation and prescribe additional or different remedial requirements.
- Section 103. <u>Potentially dangerous animals</u>. (a) If the Animal Control Officer believes that an animal has exhibited behavior indicating that it represents a potential danger, the Animal Control Officer may initiate an investigation to determine whether or not the animal is potentially dangerous.
- (b) An animal may be defined as "potentially dangerous" if it has engaged in the following conduct:
  - 1. When unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack; or
  - 2. Has a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals.
  - (c) If upon investigation the Animal Control Officer determines that the animal is indeed a potentially dangerous animal, remedial requirements may be prescribed subject to the same processes, including appeals, addressed under this Ordinance for Dangerous Animals.
- (d) If an animal's behavior creates a more dangerous situation even though the owner is complying with the remedial requirements, the Officer or Chief depending upon previous action, may again review the situation and prescribe additional or different remedial requirements.





Section 104. Exceptions. (a) No animal may be declared dangerous or potentially dangerous if the threat, injury or damage was sustained by a person who at the time:

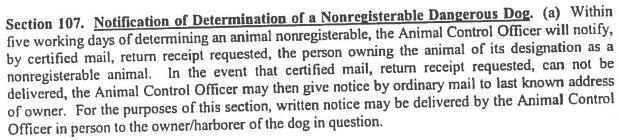
- 1. Was committing a willful trespass or other tort upon the premises occupied by the owner of the animal; or
- 2. Was tormenting, abusing or assaulting the animal or has in the past been observed or reported to have tormented, abused or assaulted the animal and the animal was not at large at the time of the offense; or
- 3. Was committing or attempting to commit a crime.
- 4. If the dog was protecting or defending a person while in that person's control from an unjustified attack or assault; or
- If the dog was injured and responding to pain.
- (b) The provisions of this Article shall not apply to animals under the control of a governmental law enforcement, correctional, or military agency.
- (c) The provisions of this Article shall not apply to a dog whose conduct has brought it within the coverage of the V.T.C.A., Health and Safety Code Chapter 822, to the extent that said Chapter preempts local regulation of the dog's conduct.
- Section 105. Nonregisterable Dangerous Dogs. No person shall own or harbor a nonregisterable dangerous dog within the City. Such an animal may be impounded as a public nuisance. If impoundment of such nonregisterable dangerous dog is being attempted away from the premises of the owner and the impoundment cannot be made with safety, the animal may be destroyed without notice to the owner or harborer. If an attempt is made to impound a nonregisterable dangerous dog from the premises of the owner or harborer and the impoundment cannot be made with safety, the owner or harborer will be given 24 hours notice that if the animal is not surrendered to the Animal Control Officer for impoundment within said 24-hour period, then the animal will be destroyed wherever it is found. After this notice, the nonregisterable dangerous dog may be destroyed during an attempt to impound, if impoundment cannot be made with safety, wherever the impoundment is attempted. Notice under this ordinance may be verbal or in writing on a form provided for by policy. A written notice left at the entrance to the premises where the nonregisterable dangerous dog is harbored will be considered valid notice under this ordinance.
- Section 106. <u>Determination of Nonregisterable Dangerous Dog.</u> A dog is determined to be a nonregisterable dangerous dog if:
- (a) A dog is automatically determined to be nonregisterable if it commits acts as set forth under the definition of "Nonregistrable dangerous dog" in Section 1; or
  - (b) The Animal Control Officer may find and determine a dog to be nonregisterable if:



Upon receipt of an affidavit of complaint signed by one or more individuals, made under oath before an individual authorized by law to take swom statements or made at the animal shelter before the Animal Control Officer, setting forth an act described in Section 1 and referenced above in (a), and setting forth the:



- a. Nature and the date of the act described in Section 1,
- b. The location of the event,
- c. The name and address of the owner of the animal in question, and
- d. The description of the animal in question.
- 2. The Animal Control Officer investigates the complaint and may determine that an animal is nonregisterable under this title and/or State law;
- (c) The dog has been registered as, or finally determined or declared to be, a dangerous dog, either in Ranger or in another City or county in Texas, or has made an unprovoked attack on another person outside the dog's enclosure, or causes injury to such person or a person assisting or intervening on behalf of such person; or
- (d) The owner of a dog determined to be a registerable dangerous dog under this Ordinance, or any previous or other ordinance of this City or any other City or State law, cannot or will not comply with the requirements set out in this Ordinance for the keeping of a registerable dangerous dog.



- (b) If the animal is determined to be nonregisterable under this ordinance, the owner may appeal to the Municipal Court within 15 days of notification. Failure to appeal the determination of a nonregisterable dangerous dog shall result in the Animal Control Officer's determination as becoming final.
- Section 108. Status of Dog Pending Appeal. Pending any appeal to Municipal Court, the animal must be confined at the animal shelter or licensed veterinary facility, and the cost of such confinement shall be borne by the owner. If the dog in question is not in the possession of the animal shelter at the time of the declaration, the owner must surrender the dog to the Animal Control Officer when ordered to do so. If the owner fails to immediately surrender the dog, the Animal Control Officer shall take the dog into his possession from the premises of the owner or



elsewhere, wherever the dog may be found within the City limits. If the dog can not be taken into custody by the Animal Control Officer, it may be taken into custody under a search warrant pursuant to CCrP, Article 18.01, the grounds for issuance shall conform to Subdivision (8) of Article 18.02 of the same Code and issued by the Municipal Judge.

- Section 109. <u>Defense to Determination</u>. It is a defense to the determination that a dog as a nonregisterable dangerous dog, dangerous dog or should be destroy and to the prosecution of the owner of that dog:
- (a) If the threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal and was older than eight years of age at the time of the attack;
- (b) If the person was teasing, tormenting, abusing or assaulting the animal or has, in the past, been reported to have teased, tormented, abused or assaulted the animal and is older than eight years of age at the time of the attack;
  - (c) If the person was committing or attempting to commit a crime;
- (d) If the dog was protecting or defending a person while in that person's control from an unjustified attack or assault; or
  - (e) If the dog was injured and responding to pain.
- Section 110. <u>Disposition of a Nonregisterable Dangerous Dog.</u> (a) If the Municipal Court upholds the determination by the Animal Control Officer, the court shall, subject to any rights of appeal, order the dog to be euthanized in a safe and humane manner.
- (b) In the event the Municipal Court reverses that determination, the dog in question shall be returned to or released to its owner provided the owner reimburses the City for any veterinary medical treatment administered to the dog while in the custody of the Animal Control Officer.
- Section 111. Registerable Dangerous Dog. This designation shall refer to a dog determined dangerous under this ordinance and in compliance with State law and that meets any of the following criteria:
- (a) Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in an apparent attitude of attack such that the person reasonably believes that the animal will cause physical injury to the person;
- (b) Any dog that commits an unprovoked act in a place other than an enclosure in which the dog was being kept and which enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and the act causes a person to reasonably believe that the dog will attack and cause bodily injury to any person; or



(c) Any animal that has killed or seriously injured a domestic-animal without provocation while off the owner's property.



- Section 112. <u>Determination of a Registerable Dangerous Dog.</u> A dog is determined to be a registerable dangerous dog if it meets the requirements set out in foregoing section, and:
- (a) The owner of the dog in question knows of such an attack as defined in this Ordinance; or
- (b) The owner is notified by the Animal Control Officer that the dog in question is a registerable dangerous dog. The Animal Control Officer may find and determine a dog to be a registerable dangerous dog if:
  - 1. Upon receipt of an affidavit of complaint signed by one or more individuals made under oath before an individual authorized by law to take sworn statements, setting forth an act described in foregoing section of this ordinance and set forth as follows:
  - a. Nature and the date of the act described in foregoing section,
    - b. The location of the event,
    - c. The name and address of the owner of the animal in question, and
    - d. The description of the animal in question.
  - 2. The Animal Control Officer has been notified by another agency that the dog has been determined to be dangerous under the State law.
- Section 113. Notification of Declaration of Registered Dangerous Dog. (a) Within five working days of determining a dog to be a registered dangerous dog, if written notification cannot be given personally to the owner of the dog, the Animal Control Officer will notify, by certified mail, return receipt requested, the person owning the animal of its designation as a registerable dangerous dog. In the event that certified mail, return receipt requested, can not be delivered, the Animal Control Officer may then give notice by ordinary mail.
- (b) If the dog is determined to be registerable under this title, the notice shall inform the owner of the dog that he/she may appeal the determination to Municipal Court no later than 15 days after the date the owner is notified of the determination. Failure to appeal the determination of registerable dangerous dog within the 15-day period shall result in the Animal Control Officer's determination becoming final.
- (c) Upon determination by the Animal Control Officer, that the dog is dangerous, the owners shall be required to secure the animal immediately within an enclosure that meets the





requirements of this ordinance. If the owner fails to do so, the Animal Control Officer shall impound the dog until such enclosure is provided.

- (d) The Animal Control Officer shall immediately notify, in writing, adjacent and contiguous property owners of such determination.
- Section 114. Status of Dog on Appeal. Pending the outcome of the appeal, the animal must be confined at a licensed veterinary clinic or at the animal shelter, the cost of which shall be borne by the owner of the dog in question. If the dog in question is not in the possession of the animal shelter or a veterinary clinic at the time of the determination, the owner must surrender the dog to the Animal Control Officer when ordered to do so. If the owner fails to immediately surrender the dog, the Animal Control Officer shall have the right to take the dog into its possession from the premises of the owner or elsewhere, wherever the dog may be found within the City limits. If the dog can not be taken into custody by the Animal Control Officer, it may be taken into custody under a search warrant for contraband issued by the Municipal Judge.
- Section 115. <u>Defense to Determination of Registerable Dangerous Dog.</u> The defenses identified in Section 109 shall serve as a defenses to the determination of a dog as a registerable dangerous dog and to the prosecution of the owner of that dog.
- Section 116. <u>Disposition of a Registerable Dangerous Dog.</u> (a) If the Municipal Court upholds the determination by the Animal Control Officer, the owner shall, no later than ten days after the hearing, comply with the provisions of this Ordinance for the keeping of a registered dangerous dog in the City and the dog shall be returned to the owner provided all costs involved in the impoundment, holding and medical treatment of the dog are paid.
- (b) In the event the Municipal Court reverses that determination, the dog in question shall be returned to or released to its owner provided the owner has paid all veterinary medical costs administered to such dog while in the custody of the Animal Control Officer.
- (c) The Municipal Court may order make any reasonable orders for the dog consistent with this Ordinance and Chapter 822 of the Health and Safety Code.
- (c) If the Animal Control Officer has information or belief, or has determined that a court of competent jurisdiction has ever made or upheld a determination or declaration that a dog is dangerous, or if the Animal Control Officer has determined that a declaration or determination of dangerous dog became final for failure to appeal or any other reason, under previous or other ordinances of this City or other cities or State law, the Animal Control Officer shall notify the person owning or keeping such dog in writing that the owner shall no later than ten days after the date of the notice comply with the provisions of this title for the keeping of a registered dangerous dog in the City of Ranger.
- Section 117. Requirements for Registration and Possession of Registered Dangerous Dog. The owner must register the dog with the Animal Control Officer, and pay the fees as required by State law not later than 30 days after the owner is notified that the dog is dangerous. The registration shall not be transferable and shall expire one year from date of issuance. The Animal



Control Officer shall provide to the owner of the registered dangerous dog a tag which must be placed on the dog's collar and worn at all times.



- A. The owner must comply with the following to register the dog:
  - 1. Present proof of liability insurance or financial responsibility in the amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog;
  - Present proof of current rabies vaccination of the registerable dangerous dog;
  - 3. Present proof that the dog has been altered so as to prevent reproduction;
  - 4. Provide a proper enclosure as defined in this Ordinance and that proper enclosure must be inspected and approved by the Animal Control Officer;
  - 5. Post a sign on his/her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street or highway. In addition, the owner shall conspicuously display a sign with a symbol warning, understandable by small children, of the presence of a dangerous dog; and
  - 6. Further identification may be required and designated by the order of the City.



- (b) When the registered dangerous dog is taken outside the approved proper enclosure, the animal must be securely muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration but shall prevent it from biting a person or other animal, and the dog must be restrained by a substantial chain or cable leash having a minimum tensile strength of 1,000 pounds and not to exceed six feet in length.
- (c) Prior to selling or moving the registered dangerous dog either inside or outside the City limits, the owner must notify the Animal Control Officer of his/her intentions. In the event the dog is moved permanently outside the City limits the owner must comply with the State law in notifying the Animal Control Division in control of the area into which the dog has been moved.
- (d) Anyone bringing a dog into the City limits that has been declared dangerous by another animal control authority must notify the Animal Control Officer of the new address where the dog will be kept and upon presentation of the dog's prior registration tag that has not expired shall pay a fee set by the City Commission, and the Animal Control Officer shall issue a new tag to be placed on the dog's collar. This owner must also comply with all requirements set out in this title.

Section 118. Attack by Registered Dangerous Dog. The owner of a dangerous dog shall notify the Animal Control Officer of any attacks the dog makes on people or animals.



- Section 119. Appeal from Municipal Court. Any appeal of the decision or order of the Municipal Court of Ranger shall be made within ten days in the same manner as appeal from civil cases originating in the Justice of the Peace Courts of this State. The Municipal Court shall order the appellant to post a supersedeas bond payable to the City in an amount not less than \$10,000.00. The form of the bond shall be as prescribed in the laws pertaining to civil appeals originating in the Justice of the Peace Courts in this State. The appellant shall be responsible for the cost of appeal.
- Section 120. <u>Defense to Prosecution for Violation of Registered Dangerous Dog.</u> It is a defense to prosecution that the person possessing a dangerous dog is:
- (a) Veterinarian, peace officer, or employee of the City, and the harboring of the dog was in the performance of his/her duties;
- (b) An employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes: or
- (c) A dog trainer or an employee of a guard dog company, while in the performance of his/her duties, under the Private Investigators and private Security Agencies Act.
- Section 121. Penalties for Violation of This Article relating to Dangerous Dog. (a) It shall be a violation of this Article if the person is the owner of a registered dangerous dog and the dog makes an unprovoked attack on another person outside the dog's proper enclosure and causes bodily injury to the other person whether or not the dog was on a leash and securely muzzled or whether or not the dog escaped without fault of the owner.
- (b) It shall be a violation of this Article if the person is the owner of a registered dangerous dog and that dog kills or wounds a domestic animal while outside the dog's proper enclosure whether or not the dog was on a leash and securely muzzled or whether or not the dog escaped without fault of the owner.
- (c) It shall be a violation of Article if the person is the owner of a registered dangerous dog and that dog attacks a person who gains access to the proper enclosure due to negligence on the part of the owner or the owner's agent. This negligence shall include a failure to comply with the notification of ownership of dangerous dog through posting of warning signs in accordance with this Article.
- (d) In addition to criminal prosecution, a person who commits an offense under this Article is liable for a civil penalty not to exceed \$10,000.00. The City Attorney of Ranger may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the City.
- Section 122. Exhibitions of Certain Animals Prohibited. No person shall keep, or permit to be kept, on his premises any wild or dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoo or circus, as defined in Section 1.



Section 123. <u>Prohibited Animals</u>. No person may possess a prohibited animal within the City limits. Such prohibited animals shall include, but are not limited to, all animals prohibited by the state or federal law and shall include, but are not limited to, the following animals or any hybrid of these animals or such other class of animals as may be determined to be dangerous by Animal Control Officer or any other dangerous animal which may be added in the future to the list as a high risk animal in the Texas Rabies Control Act, as amended:



- Class mammalia: family Canidae (such as wolves, coyotes and fox) except domesticated dogs and hybrids involving same; family Mustelidae (such as weasels, martins, fishers, skunks, wolverines, mink and badgers) except ferrets; family Procyonidae (such as raccoons); family Ursidae (such as bears); and order Chiroptera (such as bats).
- (b) Poisonous reptiles, cobras and their allies (Elapidae, Hydrophiidae); vipers and their allies (Crotiladae, Viperidae); Boonslang and Kirtland's tree snakes; Gila monsters (Helodermatidae); and crocodiles, alligators and their allies (order Loricata) and nonvenomous reptiles over six feet in length.
- (c) Brown recluse (Loxosceles) and black widow (Lactrodectus) spiders.

Section 124. Prohibited Dangerous Wild and other nondomestic Animals. The animals specified in this section as dangerous wild animals shall be deemed as contraband and no person may possess any individual species and/or subspecies of the following dangerous wild animals: Order Carnivora, family felidae (such as lions, tigers, jaguars, leopards and cougars, ocelot, lynx, bob cat, cheetahs, jaguars), hyenas, bears, lesser pandas, ferrets from natural habitats, order Primata (such as monkeys, chimpanzees, apes). No person may possess any individual species of the following animals: Antelope, binturong, miniature pigs, elephants, Vietnamese pot belly pigs, or such other nondomestic species of animal not common to this area.

Section 125. Certificate of Registration of Dangerous Wild Animals and other nondomestic animals on issuance of Permit to Operate Circus or Zoo. (a) Notwithstanding the provisions of Sections 122, 123, & 124 special certificates of registration of dangerous wild animals and other nondomestic animals noted in such Sections, may be issued in conjunction with the issuance process of permitting circus or non-accredited zoo operations within the City. The issuance of such permits shall provide an exception to said sections and classify such animals as "restricted" and subject to the terms set out in the application and agreement processes provided herein. The application for certificate and permit shall be made to the Animal Control Authority on a form provided for by department policy. Such form shall contain a formal "agreement" between the City and the applicant relating to routine permitting criteria and specifically, general business practices as these relate to the type of permit required (Circus or Zoo), hours of operation, and covenants to observe approved safety and escape prevention procedures. Approved permits and related certificates of registration shall be issued under the authority of the Chief of Police. Applications shall be investigated for reputation for historical compliance with similar laws in this jurisdiction and others, and the applicant shall provide the following information and documentation:





- 1. A health certificate from a licensed veterinarian stating that the animal is free from symptoms of infectious disease or is under treatment. A new health certificate is required each time the permit is renewed. A copy will remain with the Animal Control Officer;
- 2. Copies of applicable State or Federal permits or licenses as required by either of those entities for the keeping of the particular animal in question. These copies will be retained by the Animal Control Officer;
- 3. Information relating to the owner including emergency telephone numbers and telephone numbers for their veterinarian in case of emergencies;
- 4. Present proof of liability insurance or financial responsibility in the amount of \$100,000.00 to cover the damages resulting from an escape and/or attack by any one individual animal listed in Sections 123 and 124 to be registered & permitted.;
- 5. Agreement to allow reasonable access for inspection by Animal Officer; and
- 6. enter into an agreement with the City that safety and escape prevention be maintained on a 24 hour basis, the failure of which shall be grounds for permit revocation and documentation of compliance with all other applicable City ordinances, including, but not limited to building and planning and zoning.
- 7. The negligent escape of any animal subject to permitting under this Article shall be prima facie evidence of a breach of the safety and escape prevention covenants required herein..
- 8. Failure to provide required information or documentation, or an unsatisfactory investigative finding shall be grounds for denial of permit. An appeal of denial of permit shall be made in writing within 10 days of the notice of denial to the City Manager. The City Manager may review the issues leading to the denial or conduct an administrative hearing, and decide the issue, in either, the decision of the City Manager is final.
- (b) Before a certificate(s) and permit is issued the Animal Control Officer shall inspect the facility where the animal(s) is/are to be kept, which must meet the following criteria:
  - 1. Each enclosure must provide adequate exercise area and sleeping quarters;
  - 2. Proper temperature control and ventilation for the particular species must be provided in both areas;
  - 3. Each enclosure must be kept locked and designed so that no one can enter or place appendages in the enclosure;



- 4. Each enclosure must be constructed so as to prevent the animal from escaping;
- 5. Each enclosure must be kept in good repair to prevent both escape and injury to the animal;
- 6. Each enclosure must have a water container which is secured so as to prevent its being overturned; and
- 7. Each enclosure must be cleaned daily.
- (c) Animal Control Officer may when deemed necessary, employ the services of a licensed veterinarian to assist in this application process and applicant shall be responsible for the reasonable costs associated with such service in addition to any permit fees required under this Act.
- (d) Each animal must be provided with continuous clean water and must be fed a diet approved by a licensed veterinarian.
- (e) Any animal which has bitten or scratched someone must be immediately surrendered to the Animal Control Officer for euthanasia and testing by the Texas Department of Health. A live test approved by the Texas Department of Health may be substituted for euthanasia.
- (f) Fee for Circus/Zoo registration and permit shall be according to the schedule established in Appendix "A", and the permit shall expire one year from date of issuance and shall not be transferable. Major modifications or additions to such facilities' animal containment areas shall require a re-inspection and/or re-permitting of the circus or zoo. In such instances, original application fee shall be collected.
- Section 126. <u>Violation of Sections 122, 123, 124 & 125 relating to various prohibited animals</u>.

  (a) It shall be a violation of this Article if a person keeps or permits to be kept on his premises any wild or dangerous animal for display or exhibition purposes and each day of noncompliance shall constitute a separate offense.
- (b) It shall be a violation of this Article if a person possesses an animal prohibited under Section 123 and each day of violation shall constitute a separate offense.
- (c) It shall be a violation of this Article if a person possesses an animal prohibited under Section 124 and each day of violation shall constitute a separate offense. In addition to any criminal penalty, if a person possesses an animal classified in Section 124 as a "dangerous wild animal" in violation of this Article, that person is liable for a civil penalty of not less than \$200 and not more than \$2,000 for each dangerous wild animal in violation and for each day the violation continues. The City Attorney may bring suit to collect said penalty and costs allowed by statute and such penalty shall be retained by the City.



(d) It shall be a violation of this Article to operate a circus or zoo without a valid permit issued pursuant to this Article and each day of operation shall constitute a separate offense. In addition to any criminal penalty, if the circus or zoo at the time of the violation is in possession of any "dangerous wild animal", the liability for the civil penalty detailed in subsection (c), herein may be imposed for each dangerous wild animal possessed.

### Section 127. Non-applicability. (a) This Article does not apply to:

- Zoological Parks accredited by the American Association of Zoological Parks and Aquariums;
- Federally licensed research institutions;
- 3. Any government agency or its employee who uses the animals for an agency related to education, propagation, or behavior program; or
- 4. Anyone holding a valid rehabilitation permit from the Texas Parks and Wildlife Department but only for animals which are in rehabilitation and scheduled to be released to the wild.
- A research facility as defined by Animal Welfare Act (7 U.S.C. §2132) and licensed by the U.S. Secretary of Agriculture.
- 6. A dangerous wild animal in the custody and control of a circus company or other similar entity not based in this city and the animal is "in transit".
- 7. An animal subject to this Article in the temporary custody and control of a television or motion picture production company during production activities.
- 8. Any federal, state, or local governmental entity acting in official capacity and engaging in zoological activities.
- (b) This ordinance does not apply to an animal that is an FFA or 4-H project and that is and remains in good standing and on an official list of such authorized projects filed with the City by the authorized sponsor of such FFA or 4-H program; provided that such exemption shall be withdrawn upon the sponsor of the applicable FFA or 4-H program notifying the Mayor that such animal is not being maintained and cared for in compliance with the standards of such FFA or 4-H program, or is, otherwise, no longer an authorized FFA or 4-H project.
- Section 128. Guard Dogs. (a) All dogs which are trained by a certified professional and kept solely for the protection of persons and property, residential, commercial or personal, shall obtain a permit from the Animal Control Officer. The fee for this permit shall be according to the schedule established in Appendix "A". The area or premises in which such dog is confined shall be



conspicuously posted with warning signs bearing letters not less than two inches high, stating "Guard Dog On Premises."



- (b) The area of premises shall be subject to inspection by the Animal Control Officer to determine that the animal in question is maintained and secured at all times in such a manner so as to prevent its coming in contact with the public.
- (c) This section does not apply to dogs used by Federal, State, County, or municipal law enforcement agencies or correctional institutions.

Secs. 129--140. Reserved.



#### ARTICLE V. IMPOUNDMENT

- Section 141. <u>Impoundment Generally</u>. (a) Animals owned or harbored in violation of this ordinance or law of the State of Texas or those safekeeping or humane situations provided herein this Act, shall be taken into custody by an Animal Control Officer or other designated official and impounded under the ordinance.
- (b) Owners of impounded pets are required to pay all fees related to the impoundment as set in Appendix "A".
- Section 142. Tampering with Animal Shelter or Impoundment Vehicle. It shall be unlawful for any person in the City without proper authority to break into, open, pull down the enclosure of or make any opening into the animal shelter or any enclosure belonging to or used by the City to impound or keep animals. It shall also be unlawful for any person to turn out or release, or cause to be turned out or released, or aid or abet the turning out or release of any animal from the animal shelter, from an impoundment vehicle or from any enclosure used by the City for the impoundment of animals.
- Section 143. Redemption of impounded animal. (a) Except as may be provided elsewhere in this Ordinance, the owner of any animal impounded in accordance with this Ordinance may reclaim, on any workday, such animal upon showing satisfactory proof of ownership and paying all impoundment fees and any other expenses incurred by the City or its agent in keeping the animal or attempting to locate the owner of the animal. If the owner does not pay such fees, or some alternate fee satisfaction as provided for in Section 9 of this Ordinance, the animal may be sold or otherwise disposed of by the City or its agent.
- (b) If a dog or cat has been impounded on two prior occasions, the dog or cat must be spayed or neutered before being released to the owner if impounded on a third occasion. The owner of the dog or cat will be responsible for arranging for the spay or neuter surgery. The dog or cat will be transported to the veterinarian by an Animal Control Officer or an employee or agent of the animal shelter. The cost to spay or neuter the dog or cat shall be paid by the owner, along with the impoundment fees, either to the animal shelter or to the veterinarian in advance of transporting the animal for the surgery. After the surgery is performed, the veterinarian may release the dog or cat to the owner.
- Section 144. Disposition of dogs and cats. (a) Dogs and Cats with No Identification. All dogs and cats impounded by the Animal Control Officer or brought to the animal shelter by a person, other than the harborer or owner of that animal shall be held for a minimum of 72 hours during which time period the owner may present proof of ownership at the shelter. After paying all applicable fees, that owner may reclaim the dog/cat. In the event that the dog/cat is not claimed after 72 hours in the shelter, the dog/cat shall become the property of the City.
- (b) Dogs and Cats with Identification. Unless earlier claimed by the owner, all dogs and cats impounded by the Animal Control Officer, or brought to the animal shelter by a person other than the harborer or owner of that animal, that are wearing traceable identification, or where an owner is known, shall be held in the shelter for a minimum of seven complete days from the time

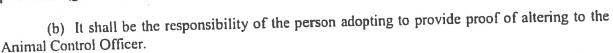


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the animal enters the facility, during which time the Animal Control Officer will notify the owner, when known, of the impoundment. Unless the owner has notified the Animal Control Officer in writing of his/her intentions to claim the dog/cat after that date, listing a date by which time that owner will reclaim the dog/cat and satisfy all applicable fees and this arrangement has been approved by the Animal Control Supervisor, the animal shall become the property of the City on the eighth day.



- (c) Animals Surrendered by the Owner/Harborer. All animals surrendered by the owner/harborer to the Animal Control Officer shall become the property of the City immediately upon completion of the owner/harborer surrender form.
- (d) Animals Other Than Dogs, Cats or Estrays Impounded. All animals other than dogs, cats, estrays or animals, holding current restricted animal permits, that are impounded by the Animal Control Officer or brought to the animal shelter by a person other than the owner/harborer shall become the property of the City unless such ownership is prohibited by State or Federal law.
- (e) Disposition of Animals. Any animal that cannot be adopted or transferred to a proper and appropriate agency shall be euthanized by an injection of substances approved for euthanasia by the American Veterinary Medical Association and/or the Texas Veterinary Medical Association to be administered in compliance with policy and the laws of the State. All animals listed as endangered or protected shall be transferred to the proper authority at the earliest possible date.
- Section 145. Adoption of Animals. (a) All animals which are adopted from the animal shelter shall be surgically altered to prevent reproduction in that animal. If the animal has not been altered before it leaves the animal shelter, the person adopting the animal shall sign an adoption contract stating that he/she will have the animal surgically altered and the date by which the surgery must be performed (generally dogs and cats should be altered after reaching 6 months of age).



- (c) Failure to comply with this section or failure to comply with the terms of the adoption contract shall give the Animal Control Officer the right to recover the adopted animal in question and revoke the owner's adoption contract. Such failure shall also constitute a violation of this ordinance.
- (d) The adoption fee shall be set herein at seventy-five (\$75) dollars and may be increased or decreased as needed by policy, to render and keep neutral the cost of surgically altering, medicating, vaccinating and preparing the animal for adoption. In lieu of such adoption fees, an agreement may be reached with approved veterinarians for direct payments of surgery and associated costs. The person adopting the animal shall be provided a list of fees related to the adoption prior to the agreement being signed.
- (e) This section's requirements of altering and adoption fee shall not apply where cooperative agreements between the Animal Control Division and an animal welfare group are made for the placement with such groups of animals subject to adoption. Likewise, this section's





requirements shall not apply to animal transfers made under cooperative agreements between the Animal Control Division and other governmental entities.

- Section 146. Estray and Other Livestock. (a) It is unlawful for any owner or person in control of any horse, mule, jack, jennet, cattle, hog, goat or sheep (estray) to permit any such animal to run at large on land not his own or under his control, or on any street, alley or other public place in the City.
- (b) It is unlawful for the owner or person in control of any chicken or other fowl to permit the same to run at large on any land not his own or under his control, or on any street, alley or other public place in the City.
- (c) It is unlawful and constitutes a nuisance for the owner or any person in charge or control of any pigeons in the City, or the owner or any person in charge or control of any out building or barn in the City upon which pigeons nest, to allow such pigeons to run or fly at large in the City.
- Section 147. Impoundment of Estray and Livestock. The Animal Control Authority, upon receipt of a report or upon discovery of an estray, within the city, shall as soon as possible, notify the sheriff of the county and report the presence of the animal and the location where the animal can be found. If circumstance permits, the Animal Control Officer shall refer the matter in its entirety to the sheriff. If circumstance does not permit or the sheriff seeks the assistance of the Animal Control Authority, the Animal Control Officer may cause the impoundment of any and all estray and other livestock that may be found in and upon any street, alley or upon any unenclosed lot in the City, or otherwise to be found at large, and to confine such estray or other livestock for safe keeping. Upon impounding, the Animal Control Officer shall prepare a file to be located in the Animal Control Division offices. Each entry shall include the following:
- (a) The name and address of the person who notified the Animal Control Officer of the estray or other livestock;
  - (b) The date, time and location of the estray or other livestock when found;
  - (c) The location of the estray or other livestock until disposition; and
- (d) A description of the animal including its breed, color, sex, age, size, all markings of any kind and other identifying characteristics.
- Section 148. Advertisement of Impounded Estray and Livestock. When an estray or other livestock has been impounded by the Animal Control Authority, the Animal Control Officer shall make a diligent search of the register of recorded brands in the County for the owner of the estray or other livestock. If the search does not reveal the owner, the Animal Control Officer shall advertise the impoundment of the estray in a newspaper of general circulation in the County at least twice during the next 15 days following impoundment and post a notice of the impoundment of the estray or other livestock on the public notice board of City Hall.



Section 149. Recovery by Owner. The owner of an estray or other livestock may recover possession of the animal at any time before the animal is sold under the terms of this ordinance if:



- (a) The owner has provided the Animal Control Officer with an affidavit of ownership of the estray or other livestock containing at least the following information.
  - 1. The name and address of the owner,
  - 2. The date the owner discovered that the animal was missing,
  - 3. The property from which the animal strayed,
  - 4. A description of the animal including its breed, color, sex, size, all markings of any kind and any other identifying characteristics;
  - (b) The Animal Control Officer has approved the affidavit; and
  - (c) The owner has paid all handling fees to those entitled to receive them.
- Section 150. Sale of Estray and Livestock. If the ownership of an estray or other livestock is not determined within 14 days following the final advertisement required by this Ordinance, ownership of the estray or other livestock rests with the City and the Animal Control Officer shall then cause the estray or other livestock to be sold at a public auction. If there are not any bidders, ownership is forfeited to the City.



- (a) Title shall be deemed vested in the Animal Control Officer for purposes of passing a good title, free and clear of all claims to the purchaser at the sale.
- (b) The disposition of the proceeds derived from the sale at public auction will be as follows:
  - Pay all handling fees to those entitled to receive them;
  - Execute a report of sale of impounded stock;
  - 3. The net proceeds remaining from the sale of the estray or other livestock after the handling fees have been paid shall be delivered by the Animal Control Officer to the City Secretary. Such net proceeds shall be subject to claim by the original owner of the estray or other livestock as provided herein;
  - 4. If the bids are too low, the Animal Control Officer shall have the right to refuse all bids and arrange for another public auction or scaled bidding procedure.





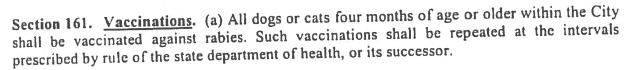
- Section 151. Recovery by Owner of Sale Proceeds. (a) Within 12 months after the sale of an estray or other livestock under the provisions of this ordinance the original owner of the estray may recover the net proceeds of the sale that were delivered to the City Secretary if:
  - 1. The owner has provided the Animal Control Officer with an affidavit of ownership; and
  - 2. The Animal Control Officer has accepted the affidavit of ownership.
- (b) After the expiration of 12 months from the sale of an estray or other livestock as provided by this ordinance, the sale proceeds shall escheat to the City. If an animal was forfeited to the City due to no bidders at auction, then City is not to be liable to owner for any proceeds of sale, since no proceeds were received.
- Section 152. Use of Estray and Livestock. During the period of time an estray or other livestock is held by one who impounded the estray or other livestock, it may not be used by any person for any purpose.
- Section 153. <u>Death or Escape of Estray and Livestock</u>. If the estray or other livestock dies or escapes while held by the person who impounded it, the person shall report the death or escape to the Animal Control Officer. The report shall be filed in the record regarding the impoundment.

Secs. 154--160. Reserved.





### ARTICLE VI. RABIES CONTROL



- (b) A veterinarian who vaccinates a dog or cat against rabies shall issue to the owner of such dog or cat a vaccination certificate on a form approved by the State Department of Health. The veterinarian shall also issue a metal tag with the veterinarian's address and the year of the vaccination stamped thereon. Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate and one copy shall be filed with the owner. Such certificate shall contain the following information.
  - 1. The name, address and telephone number of the owner of the vaccinated dog or cat;
  - 2. The date of vaccination;
  - The type of rabies vaccine used;
  - 4. The year and number of the rabies tag; and
  - 5. The breed, age, color and sex of the vaccinated dog or cat.
- (c) Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance.
- (d) It shall be unlawful for any person within the City to own, keep, possess, harbor or allow to remain upon premises under his control any dog or cat which has not been vaccinated as required herein. Any person establishing residence within the City shall comply with this title within ten days of establishing such residency.
- Section 162. <u>Vaccination of impounded animals</u>. (a) After impoundment, all animals which are required to be vaccinated by this Article which are redeemed by an owner from the animal shelter must be vaccinated against rabies in accordance with the requirements of this Article, or the owner thereof must present a veterinarian's certificate showing a current vaccination.
- (b) In order for an animal not vaccinated in accordance with the requirements of this Article to be released, such owner must sign a statement giving the name of the owner and the address where the animal is to be immediately taken and confined and stating that the owner will have the animal vaccinated in accordance with the requirements of this Article.



Within seven days of the release of the animal, a certificate of vaccination shall be presented to the animal shelter. Failure to present the vaccination certificate to the animal shelter within the stated time shall be grounds for the immediate return of the animal to the animal shelter, and such animal may be destroyed immediately or otherwise disposed of. Such failure shall also constitute a misdemeanor punishable as set out in section 5, except that the minimum fine shall be \$200.00.

Section 163. Proof of vaccination; dismissal; fine. The failure of a dog or cat to wear a vaccination tag on a collar shall be prima facie evidence of the failure to vaccinate the animal as required by this Article. To prove that a dog or cat was vaccinated at the time of the offense, the owner of the dog or cat must present a copy of the vaccination certificate issued by the veterinarian that shows the date the vaccination was administered. The offense shall be dismissed upon verification that the animal alleged in the offense was vaccinated on the date of the offense with the payment of a \$20.00 administrative fee.

Section 164. License Required. (a) License Issuance. All animals four months of age or older which are kept, harbored or maintained within the corporate limits of the City shall be licensed. Licenses shall be provided by the Animal Control Officer or his agent upon payment of the required fee for each animal. Before a City license will be issued for a cat or dog, the owner must present a certificate from a licensed veterinarian showing that such cat or dog has been vaccinated for rabies within the preceding 12 months. The owner shall state his/her name and address, and the breed, color and sex of the animal to be licensed. Such license shall be valid for one year from date of issuance. Any owner previously found to be a habitual offender and having previously had their licensed revoked under Section 165 may be deemed not eligible for current licensure. Appeals of such ineligibility shall be those procedures set out under Section 165 for Revocations.

- (b) Tag and Collar. Upon payment of the license fee, where applicable, the City shall issue to the owner a license certificate and metal tag having stamped thereon the number corresponding with the number of the certificate. Such tag shall at all times be securely attached to a collar or harness around the neck of the animal. In case a tag is lost, a duplicate will be issued by the Animal Control Officer or his agent upon presentation of the receipt showing the payment of license fee for the calendar year. Tags shall not be transferable from one animal to another, and no refunds shall be made.
- (c) Livestock. All livestock shall be tagged or tattooed and the tag or tattoo will be the identifying tag required to be worn and will be shown on the license.

Section 165. Revocation of License, Notice of Hearing and Appeals. (a) The Chief of Police may revoke any license after a hearing where an affirmative finding on any one or more of the following fact issues:

 That Impoundment of the animal by the City more than two times during a 12-month period has occurred;



 That More than two final convictions of a person for violating this Ordinance when such convictions relate to the animal being considered for revocation of its license certificate have been entered into the official court docket; or



- 3. Any combination of subsections (a)(1) and (a)(2) of this section, totaling three incidents; or
- 4. Upon a determination that the animal is a nonregisterable dangerous animal, as defined herein.
- (b) Notice of Revocation Hearing setting the hearing date no sooner than 10 days from the service or certified mailing shall be served in person to the owner or such notice deemed served when made by certified letter, return receipt requested and addressed to the last known mailing address of the animal's owner and deposited in the U.S. Mail.
- (c) Upon revoking the license of any animal, the Animal Control Officer shall notify the owner of the animal of such action in writing. Written notification shall be deemed made when a certified letter, return receipt requested, addressed to the last known mailing address of the animal's owner and deposited in the U. S. mail.
- (d) Upon the expiration of ten days after written notification of revocation is deposited in the U.S. mail, as provided above, no animal which has had its license revoked shall be kept, maintained or harbored within the City limits and each 24-hour period shall constitute a separate violation.
- (e) Upon revocation of a license, owner of animal with revoked license shall notify the Animal Control Officer of the location to which the animal is being removed.
- (f) Appeals of Revocation Hearing findings must be filed with the City Manager within ten days of receiving notice of the action. Such notices shall be written without want of form but must include the statement "Notice of Appeal of Decision of the Chief of Police in Revocation Hearing", contain a statement of the reason(s) for the appeal, and signed by the animal owner making the appeal. The City Manager or designee shall hear the appeal. At the hearing the formal rules of evidence do not apply. The hearing officer shall make his/her decision on the basis of preponderance of the evidence presented. The hearing officer may affirm, reverse, or modify the action of the Chief, however a decision must be rendered within 60 days after the appeal. The decision of the hearing officer is final.
- Section 166. Counterfeiting; destruction of tags, certificates. (a) It shall be unlawful for any person to intentionally or knowingly counterfeit a rabies vaccination tag or certificate or a license.
- (b) It shall be unlawful for any person to intentionally or knowingly destroy a rabies vaccination tag or certificate.
- Section 167. Reporting rabid animals or rabies exposure. (a) It shall be the duty of all animal owners, veterinarians, physicians or any other person to report to the Animal Control Officer all cases of rabies with which he comes in contact or to which his attention has been directed. This report shall be made immediately upon diagnosis or suspicion of a case of rabies.



- (b) Any person having knowledge of an animal bite or scratch to an individual or to another animal by an animal which the person suspects is rabid shall report that incident to the Animal Control Officer within 24 hours.
- (c) Every physician or other medical practitioner who treats a person or persons for any animal bite/scratch that occurred within the City shall within 12 hours report such treatment to the Animal Control Officer giving the name, age, sex and precise location of the bitten/scratched person or persons and such other information as the officer or agency may require.
- (d) Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report the incident to the Animal Control Officer stating precisely where such animal may be found.
- (e) If a known suspected rabid animal bites or scratches a domestic animal, such incident shall also be reported immediately to the Animal Control Officer.

# Section 168. Animal bites and scratch reports; submission to quarantine.

- (a) Report of Victim. Any person who is bitten or scratched by an animal shall report that fact to the Animal Control Officer within 24 hours. If the person bitten or scratched is a minor under the age of 17, the parent or guardian of such minor, if he has knowledge of the incident, shall report that fact to the Animal Control Officer within 24 hours.
- (b) Report of Owner. A person who owns, keeps, harbors or allows an animal to remain on premises under his control and who has knowledge of a bite shall report to the Animal Control Officer within 24 hours any incident where such animal bit or scratched any person.
- (c) Custody. The animal committing the act shall be submitted to the Animal Control Officer for quarantine. When the local rabies control authority goes to the premises where the animal that bit or scratched any person is being kept, the Animal Control Officer may take immediate custody of the animal. Where suitable arrangements are made, the local rabies control authority may permit the animal to be transferred to another location for the remainder of the quarantine period. This duty to submit the animal to quarantine shall apply to any person who owns, keeps, harbors, has possession of or allows an animal to remain on premises under his control. If convicted of violating this section, a minimum fine of \$100.00 shall be imposed by the municipal court.
- (d) Observation. Any owned dog or cat having bitten or scratched a person shall be observed for a period of ten days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or responsible agency in compliance with State law. If the dog or cat is not confined on the owner's premises for owner's quarantine, confinement shall be by impoundment in the animal shelter, or at a veterinary hospital of the owner's choice. Such confinement shall be at the owner's expense.



(e) Strays. Stray dogs and cats, or those animals whose owners cannot be located shall be confined in the animal shelter for a period of 96 hours and if unclaimed may be destroyed and the brain of such animal immediately submitted to a qualified laboratory for rabies examination at the victim's expense.



- (f) Surrender of Animal. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce the dog or cat for impoundment, as prescribed in this ordinance.
- (g) Home Quarantine. Home quarantine may be allowed only in those incidents where permitted by State law and agreed to by the Animal Control Officer. Refusal to produce such dog or cat constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation.
- (h) Other Animals. Any wild, exotic or dangerous animal that is considered high risk by State law or regulation and which has bitten or scratched a person shall be caught and humanely killed and the brain submitted for rabies examination. Those wild animals which are classified as low risk animals shall be handled as dictated by State law.
- Section 169. Contents of required reports. When an individual is placed under a duty to report an incident in which an animal has bitten or scratched some person or some animal or to report an animal known or suspected to be rabid, that report to the Animal Control Officer shall include, if the person making the report knows, the following information:
  - (a) The location where the bite or scratch occurred.
  - (b) The location where the animal which committed the act or which is known or suspected to have rabies or have been exposed to rabies can be located.
  - (c) The name and address of any person who was bitten or scratched.
  - (d) The name and address of the person who owns, keeps, harbors or has control over the premises where the animal committing the act normally can be found.
  - (e) The names and addresses of the persons who own, keep or harbor any other animal exposed to rabies can be found.
- Section 170. <u>Quarantine and release</u>. (a) When an animal is required to be placed in quarantine, the animal shall be submitted for quarantine at the animal shelter. Only with the prior approval of the local rabies control authority may the animal be held in quarantine at any other location.
- (b) Any animal quarantined shall be held for a period of ten days from the date of the bite. The animal shall not be released from quarantine until such release has been approved by the local rabies control authority.
- (c) Upon release of an animal from quarantine, if the ownership of the animal is known, such owner has 48 hours to claim the animal. If the ownership of the animal is



unknown, the animal may be disposed of as provided herein this Article without waiting for an additional 72 hours.

Section 171. Submission of head for rables diagnosis. (a) If the animal biting or scratching a person is a wild animal, the animal shall be humanely destroyed in such a manner that the brain is not mutilated. The head shall then be submitted to a laboratory certified by the State Department of Health for rables diagnosis.

(b) If an animal being quarantined becomes ill, it may be humanely destroyed in such a manner that the head is not mutilated. The head shall then be submitted to a laboratory certified by the State Department of Health for rabies diagnosis. The head of each animal dying while in quarantine shall also be submitted for rabies diagnosis.

Section 172. Cost of quarantine or rabies diagnosis. (a) If, at the end of the required quarantine period, a quarantined animal is found to be free of rabies, the local rabies control authority shall order the release of the animal to the owner if the rabies vaccination provisions of this Article have been complied with and any impoundment fees have been paid by such owner.

- (b) If a head is submitted to the State Department of Health for rabies diagnosis, the cost of removing the head and shipping it shall be paid by the owner of the animal.
- (c) The local rabies control authority may order that all impoundment fees for the quarantine be paid by the person bitten or scratched if:
  - 1. The animal has a rabies vaccination certificate.
  - 2. The animal was on property under the control of the animal's owner when the bite or scratch occurred, and
  - 3. The bite or scratch occurred when the animal was acting to defend its owner or the property, or after provocation.

If the animal is a wild animal, the local rabies control authority may order that all fees be paid by the person who was bitten or scratched.

Section 173. Enforcement. For the purposes of discharging the duties imposed by this Article and to enforce its provisions, any peace officer or Animal Control Officer is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal or the license for such animal in accordance with the provisions of this Article, to include random City-wide canvassing and checks for compliance with the Article. The owner of any animal is required to produce the license and vaccination information for each animal in his ownership upon demand by an Animal Control Officer or peace officer.

Secs. 174--180, Reserved.



# ARTICLE VII. COMMERCIAL ANIMAL ENTERPRISES AND MULTIPLE ANIMAL OWNERSHIP.



- Section 181. Permit Required. (a) Permits shall be required for all commercial animal enterprises and multi-animal owners. Commercial animal enterprises shall include but not be limited to enterprises such as kennels, pet shops, riding stables, animal auctions, performing animal exhibition, animal training services, grooming shops, petting zoos, aviaries or any similar entrepreneurial relationships regarding animals. Five or more animals maintained on any one lot shall be considered a multi-animal owner. No person shall maintain, harbor or care for more than five animals of any species without having obtained a multi-animal owner permit, excluding fish.
- (b) All such permits shall be considered commercial except multi-animal owner. Multi-animal owner permits shall be considered as relative only to private multiple animal ownership, with no relationship to any commercial animal enterprise. Multiple Animal Ownership Permits shall not be required for residences with common household pets having "litters" which remain at such residences for a period of time not exceeding three months.
- Section 182. Permits. (a) Permits shall be valid for one year from date of issuance. The permit fee shall be according to the schedule established in Appendix "A".
- (b) The Animal Control Officer upon an inspection finding inconsistent with the permit requirements of this Article, may file an application with the Municipal Judge to revoke any permit issued under this Article. In addition to conducting a full revocation hearing, the Municipal Judge may temporarily suspend any permit pending a full hearing if such immediate action is determined reasonably necessary to protect the public health or the safety of any animal.



- Section 183. Facility Requirements for Permits to Board, House or otherwise Keep Animals. Upon inspection of the premises by the Animal Control Officer, the permit shall be issued if the following conditions are met:
  - (a) The facility must be adequate for the number and type of animals to be kept.
    - 1. Facility must be of sufficient size as to allow animals to move about freely. This shall apply to each animal kept. Size of facility shall be in proportion to the size of the individual animal's height and weight.
    - Adequate food and water must be provided so that each and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.
    - 3. The premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects and flies that could be harmful to the animal's health and/or to the health of the general public.
- (b) The animals and the facility must be kept free of odor or stench which is offensive to a person of ordinary sensibilities.



- (c) The animals must be maintained in a manner which does not pose a danger to the health of the animals themselves or to adjacent animals.
- (d) The animals must not cause noise which is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises.
- (e) The applicant or holder of the permit shall not have been issued citations for violation of this ordinance on two separate occasions, or animals covered by or to be covered by the permit have not been impounded on two separate occasions.
- (f) The Chief of Police shall adopt Standard Operational Procedures for the Animal Control Division consistent with this Article in providing guidelines and standards for the inspection of such facilities for permitting and for the periodic monitoring of such facilities. Such permitted facilities may be randomly inspected for compliance with the basic requirements stated herein at any reasonable time for Multiple Animal Owner Permitted Residence or during regular business hours for Commercial Animal Enterprise Permitted Facility. Refusal to allow such inspections shall be grounds for permit revocation.
- Section 184. Revocation or Suspension of Commercial Animal Enterprise or Multi-Pet Ownership Permits. Any commercial animal enterprise or multi-pet owner permit may be revoked if the owner's facility is found to be in violation of this ordinance, any zoning law, health law or any other applicable ordinance of the City or of the State of Texas, or the facility is maintained in such a manner as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

Secs. 185--190. Reserved.





# Appendix "A"

# FEE SCHEDULE

There is hereby fixed and assessed the following fees to defray the cost of managing an Animal Control Program and for the protection of the public health, against the owner or keeper of every animal kept in the City; at such time that fee adjustments may be required to maintain a neutral "at cost" relationship, Appendix "A" may be amended by Ordinance of the City Commission:

- (a) Standard licensing fee:
  - (1) Unneutered dog or cat per annum fee of \$ 5.00
  - (2) Neutered dog or cat—per annum fee of \$ 3.00
  - (3) Other animals per annum fee of \$ 3.00
- (b) Permits: A permit shall be issued after payment of the applicable fee:

(1) (2) (3) (4)	Circus/Zoo Commercial Animal Enterprise Multiple Animal Owner Guard Dog Removal	\$500.00 \$100.00 \$ 50.00 \$ 50.00 \$ 50.00
(4)	Renewalper annum fee of all	\$ 50.00

(c) Impoundment fee: An impoundment fee must be paid for each animal captured:

		First Time (per day)	Second Time (per day)	Third Time (per day)
(1) (2)	(2) Neutered dog or cat (3) Fowl or other small animal (4) Livestock	\$ 15.00 \$ 15.00	25.00 25.00	50.00 50.00
(3)		\$ 15.00 \$ 50.00	25.00 200.00	50.00 350.00
(5)		\$100.00	200.00	500.00

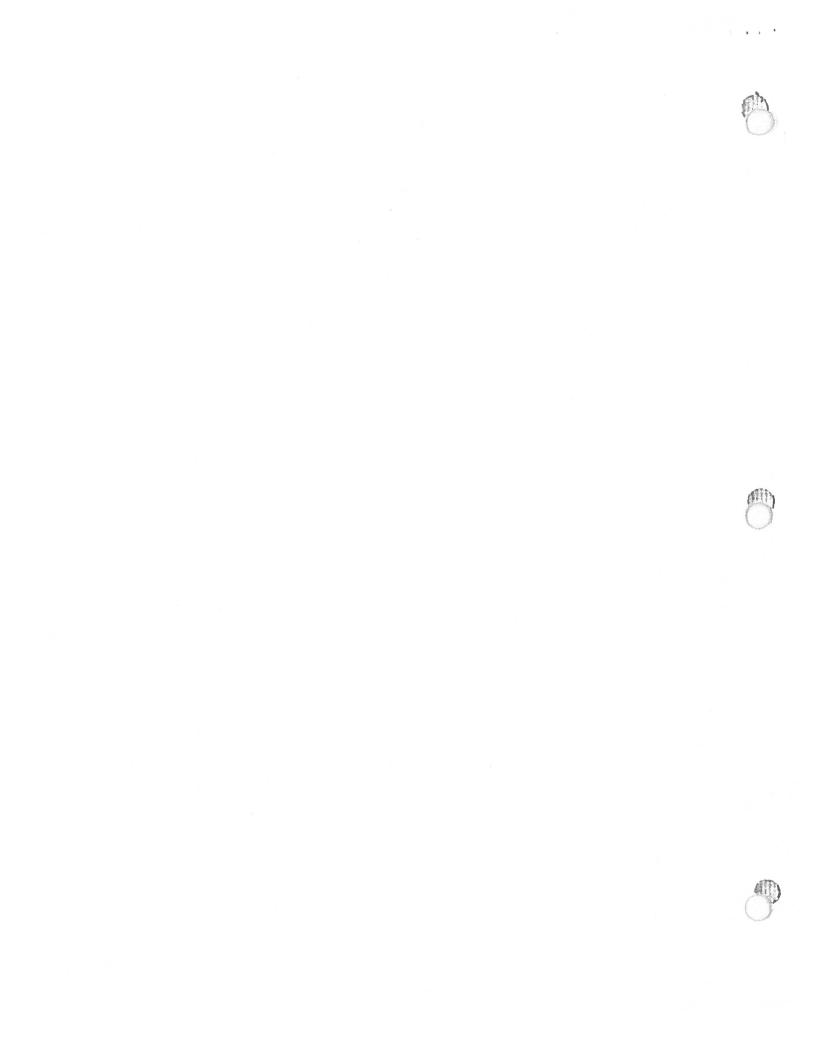
(6) More than 4 violations by any pet or combination thereof owned by the same person in three years or less shall be \$500.00 for each impoundment thereafter.



- (d) Boarding and Quarantine fees: In addition to the impoundment fee, a boarding fee must be paid for each animal confined by the Animal Shelter. Such fees will be charged for daily costs of boarding, excluding the first day of impoundment. Owners must pay daily boarding fees, the amount established by policy, for the housing and care of the animals before their animals are released to them. Quarantine fees covering the 10 day boarding and observation period shall also be set by policy and paid before release of the animal. No initial impound fee shall be added to quarantine fees. In addition to impound fee(s) the boarding of estrays shall include the first day of boarding and such daily fee shall be set by policy if the estray is held by the Animal Control Authority or if held by a third person contracting party, fees shall be set in the contract between the city and that party at the current fair and reasonable rate.
- (e) Expenses of Animal. In addition to other fees, the owner shall also pay for any veterinarian or drug fees incurred for the animal(s) while in the custody of the Animal Control Officer or Animal Shelter.
- (f) Owner/harbored Animal Surrender fees:

Cats	\$25
Dogs	\$25
Litters dogs or cats	\$45
Other small animals	\$10
Large animals	N/A







#### Ordinance No. 2015-05-26-D

AN ORDINANCE OF THE CITY OF RANGER, TEXAS, PROVIDING A STATEMENT OF POLICY AND DEFINITIONS; DECLARING THE ACCUMULATION OF STAGNANT WATER, CARRION, FILTH, WEEDS AND OTHER IMPURE OR UNWHOLESOME MATTERS UPON PRIVATE PROPERTY TO BE UNLAWFUL; DECLARING SPECIFIED ACTIONS TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT OF NUISANCES BY PROPERTY OWNER OR CITY; DECLARING THE DISCHARGE OF SEWAGE IN A MANNER TO CAUSE ODORS, OBNOXIOUS, UNHEALTHY AND UNWHOLESOME CONDITIONS TO BE A VIOLATION; PROVIDING FOR THE FILING OF LIENS TO SECURE CITY'S COST; PROVIDING PENALTIES; AND PROVIDING A SAVINGS CLAUSE, REPEALING ORDINANCE 091399-4;

WHEREAS, the accumulation of litter, solid waste, garbage, trash and vegetative overgrowth impair the quality of life and are injurious to the prospects for economic development of our community; and

WHEREAS, standing and stagnant water, the accumulation of solid waste, garbage, trash and vegetative overgrowth, together with overgrown grass, weeds and brush on lots and property, are a threat to the health of the community, create tire hazards, and otherwise detract from the quality of life in our community; and,

WHEREAS, the regulation, management and control of solid waste, garbage and trash, together with stagnant water and the growth of grass, weeds and brush on property within the City of Ranger, Texas are essential to the public health, safety and welfare of the community,

NOW THEREFORE BE IT ORDAINED BY THE CITY OF RANGER, TEXAS
THAT ORDINANCE 091399-4 OF THE CITY OF RANGER, TEXAS BE AMMENDED TO READ AS FOLLOWS:

#### **ARTICLE I. POLICY AND DEFINITIONS**

### Section 1.1. Adoption of Findings of Fact.

The findings and recitations set out in the preamble of this Ordinance are found to be true and correct and they are hereby adopted by the City Commission and made a part hereof for all purposes.

# Section 1.2. Policy.

The terms and provisions hereof shall apply to stagnant water and to the accumulation and storage of any solid waste, including garbage and trash, and to the growth, accumulation, cutting and storage of grass, weeds and any other vegetative material upon property in the City of Ranger, Texas, to the end that property shall be maintained in a sanitary and healthful condition for the benefit of all residents and citizens in the community.

### Section 1.3. Definitions.

The following definitions shall apply in the interpretation and enforcement of

(a) Brush. All uncultivated shrubs, bushes and small trees.

- (b) Carrion. Dead putrefying flesh of any animal, fowl, or fish
- (c) Dump. Dispose, discharge, place, deposit, throw, leave, sweep, scatter, unload, or toss
- (d) Earth and Construction. Earth, rocks, bricks, concrete, other similar materials and waste materials resulting from construction or remodeling.
- (e) Filth means any matter in a putrescent state.
- (f) Garbage. Rubbish, trash, kitchen and household waste, ashes, bottles, cans, rags, paper, food, food containers, lawn trimmings, tree trimmings, hedge trimmings, leaves, grass, weeds and refuse, and all decayable wastes, including animal and vegetable matter, but not including sewage, hazardous, toxic or corrosive materials, earth and construction materials as herein, or any other material which may be found to be harmful to garbage collection and handling personnel or equipment.
- (g) <u>Injure</u>. Any and all character of physical damage, whether caused by fire or force, and which shall be done or caused willfully by any person.
- (h) Junk. all worn-out, worthless or discarded material including, but not limited to, any of the following materials, or parts of such materials, or any combination thereof: new or used iron, steel or nonferrous metallic scrap, brass or waste materials; used and/or inoperative household appliances, household electrical or plumbing fixtures, floor coverings and/or window coverings not currently in use; used lumber, brick, cement block, wire, tubing and pipe, tubs, drums, barrels, and/or roofing material not currently in use; air conditioning and heating equipment not currently in use; used vehicle components and parts not currently in use; used furniture other than that designed for outdoor use or that which would normally be considered as antique furniture; used and/or inoperative residential lawn care equipment and machinery not currently in use; used pallets, windows or doors not currently in use; new or used sheet metal, structural steel and/or chain not currently in use, and any other type of used and/or inoperable machinery or equipment not currently in use.
- (i) Lot. In addition to land within the boundaries of the property lines, all land adjacent to and extending beyond the property lines of any lot or parcel of land to the curb lines or adjacent streets where curb lines have been established or, where no curb lines have been established, to eight (8) feet beyond the property lines.
- (i) Nuisance. Any condition, object, material or matter that is dangerous or detrimental to human life or health; or that renders the ground, the water, the air or food a hazard or likely to cause injury to human life or health; or that is offensive to the senses; or that threatens to become detrimental to the public health; and shall include, but not be limited to, any abandoned wells, shafts or basements, abandoned refrigerators, sinks, privies, filth, carrion, rubbish, junk, trash, debris or refuse, impure or unwholesome matter of any kind, and objectionable, unsightly unsanitary matter of whatever nature and includes public health nuisances as defined by Section 341.011 of the Texas Health and Safety Code.
- (k) Objectionable, unsightly or unsanitary matter means any matter, condition or object,

which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

- Owner means any person or entity shown as the property owner on the latest property tax assessment rolls or any person having or claiming to have any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property and including any tenant
- (m) Property means all privately owned occupied or unoccupied property, including vacant land, and/or a building designed or used for residential, commercial, business, industrial or religious purposes. The term "property" shall also include a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the property.
- (n) Refuse means a heterogeneous accumulation of worn-out, used, broken, rejected or worthless materials including, but not limited to, garbage, rubbish, paper or litter, and other decayable or non-decayable matter
- (o) <u>Rubbish</u>. All refuse, rejected tin cans, old vessels of all sorts, useless articles, abandoned pipe, discarded clothing and textiles of all sorts, and in general all litter. The words "any and all objectionable or unsanitary matters," not included within the meaning of the other terms as herein used, mean those which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the general locality where the same are situated.
- (p) Solid Waste. Household garbage and refuse and commercial garbage and refuse, brush cuttings and weeds.
- (q) <u>Trash and debris</u> means all manner of refuse including, but not limited to mounds of dirt, piles of leaves, grass and weed clippings, paper trash, useless fragments of building material, rubble, furniture other than furniture designed for outside use, useless household items and appliances, items of salvage, such as scrap metal and wood, old barrels, old tires, objects that hold water for an extended time, tree and brush trimmings, and other miscellaneous wastes or rejected matter
- (r) <u>Unwholesome Matter</u>. All stagnant water, filth, carrion, impure matters and any condition liable to produce disease.
- (s) <u>Weeds.</u> All rank and uncultivated vegetable growth or matter which is liable to become an unwholesome or decaying mass or breeding place for flies, mosquitos

#### ARTICLE II. WEEDS AND OFFENSIVE CONDITIONS ON PRIVATE PROPERTY

### Section 2.1. Prohibited Conduct.

It shall be unlawful for an owner, occupant, lessee or renter of any lot or parcel of ground within the City limits (herein cumulatively referred to as "owner" or "occupant") to fail to keep the property free from brush, earth and construction materials, garbage, junk, refuse, rubbish, solid waste, trash, weeds, unwholesome matters and any other objectionable, unsightly, or unsanitary matter of whatsoever nature, or to fail to keep the sidewalks in front of the property free and clear from weeds and tall grass

from the line of such property to the established curb line next adjacent thereto, or to fail to fill up and drain holes and depressions in which water collects, or to re-grade any lots, grounds or yards or any other property owned or controlled by the owner, occupant, lessee, or renter which shall be unwholesome or have stagnant water thereon, or which from any other cause, is in such condition as to be liable to produce disease or to fail to keep any house, building, establishment, lot yard or ground owned or occupied or under his or her control at all times free from filth, carrion or other impure or unwholesome matter of any kind.

# Section 2.2. Nuisance Declared; Duty To Abate.

Whenever brush, carrion, earth and construction materials, garbage, junk, refuse, rubbish, solid waste, trash, weeds, unwholesome matters and any other objectionable, unsightly, or unsanitary matter of whatsoever shall exist, covering or partially covering the surface of any lot or parcel of any real estate situated within the City, or when any of said lots or parcels of real estate as aforesaid shall have the surface thereof filled or partly filled with holes or be in such condition that the same holds or is liable to hold stagnant water therein, or if from any other cause shall be in such condition as to cause disease, or produce, harbor or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome or obnoxious, or shall contain unwholesome matter of any kind or description, the same is hereby declared to constitute a public nuisance, the prompt abatement of which is hereby declared to be a public necessity. Any such nuisance shall be removed from the property by the owner or other person in possession or control of such property.

# Section 2.3 Limitation on Height of Vegetation, Grass and Weeds

- (a) It shall be unlawful for any person who shall own or occupy any lot or lots in the City limits to allow weeds and/or grass grow on such lot or lots to a height of more than twelve (12) inches. Weeds and/or grass of a height exceeding twelve (12) inches are declared a nuisance.
- (b) It shall be unlawful for any owner or occupant of any property within the city to suffer or permit tree limbs, brush or unsightly vegetation to grow within one foot of the Public Street or alley adjacent to that private property.
- (c) It shall be unlawful for any owner or occupant of any property within the city to suffer or permit limbs, brush and other vegetation existing above a public street or alley to hang lower than twelve (12) feet above the alley or public street or seven (7) feet above the sidewalk and other rights-of-way.
- (d) With respect to lots, tracts or parcels of land of five or more acres and under single ownership, the provisions of this section shall not apply to any area greater than 100 feet from any open public street or thoroughfare, as measured from the right-of-way line of such street or thoroughfare, and greater than 100 feet from any adjacent property under different ownership and on which any building is located or on which any improvement exists, as measured from the property line.
- (e) Property designated as and/or required by an ordinance to be maintained in its natural state shall be exempt from the provisions of this section.

- (f) Property included, as part of conservation easement shall be exempt from these provisions.
- (g) Property that is part of a designated floodplain shall be exempt from these provisions.

# Section 2.4 Discharge of Sewage.

Any person or persons who shall allow or permit sewage to discharge into the ground or subsurface soil, which shall have the effect of causing odors, obnoxious, unhealthy and unwholesome conditions to exist, is declared to have caused a public nuisance and shall be in violation of this ordinance.

## Section 2.5. Right to Abate. Dangerous Weeds.

Whenever an immediate danger to the health, life or safety of any person exists as a result of weeds which have grown to a height, at any point on the property, of greater than 48 inches, the City may abate the weeds without notice to the owner. In the event the City abates the nuisance under this section, the City shall forward notice to the owner within ten (10) days in the manner set forth in Section 2.7.

### Section 2.6. Right to Inspect.

The City Police Department or designee is authorized to inspect any property within the City limits of the City of Ranger, at any reasonable time, subject, however, to the restrictions against such inspection and entry of private residence for health inspection as are provided for the laws of the State of Texas.

# Section 2.7. Violations; Notice; Failure to Abate.

- (a) In the event the officer charged with enforcement of this article shall determine that a situation exists which affects the health, safety and well-being of the general public and that action is necessary, such officer may take such action as shall be necessary, including issuing citations for violations of the terms and provisions hereof to the owner or occupant, or both the owner and the occupant, of the property upon which such condition exists, as may be deemed appropriate and necessary.
- (b) In the event the officer charged with enforcement of this article determines a situation constitutes an immediate threat to the public health, safety and welfare, and the owner or occupant of the property is absent or fails to immediately remedy the violation, the City Commission may, at a regular session or at an emergency session called for the purpose of considering the issue, upon evidence heard, determine that an emergency exists and order such action as may be required to protect the public health, safety and welfare. In such event, the City may prosecute an action in any court of competent jurisdiction to recover its costs.
- (c) In the event any owner or occupant shall fail or refuse to remedy any of the conditions prohibited by§ 2.1 of this Ordinance within ten (10) days after notice to do so, the City may do such work or cause the same to be done, and pay therefore, and charge the expenses in doing or having such work done or improvements made, to the owners of the property, whereupon such charge shall be a personal liability of such owner to the City.

- (d) Such notice may be in writing, served upon such owner and/or occupant in person by an officer or employee of the City, or may be by letter addressed to such owner or occupant at their post office address, or if personal service may not be had, or the owner and occupant's address be not known, then notice may be given by publishing a brief summary of such order at least once in the official newspaper of the City of Ranger, by posting a notice on or near the front door of each building on the property upon which the violation relates, or by posting notice on a placard attached to a stake driven into the ground on the property to which the violation relates if no buildings exist and addressed "Sanitary Improvements" "To Whom It May Concern," and such publication shall be deemed sufficient notice.
- (e) In the event any owner is mailed a notice in accordance with subsection (d) and the United States Postal Service returns the notice as "refused" or "unclaimed" the validity of the notice is not affected, and the notice is considered as delivered.
- (f) Notices provided by mail or by posting as set forth in subsection (d) may provide for year round abatement of the nuisance and inform the owner that should the owner commit any other violation of the same kind that pose a danger to the public health and safety on or before the first anniversary of the date of the notice, the City without further notice may abate the violation at the owner's expense and assess the costs against the property.

# Section 2.8. Assessment Of City's Abatement Cost; Collections Of Cost; Appeals.

In addition to the remedy provided in § 2.7 and cumulative thereto, the City Secretary, after giving to the owner of the property ten (10) days' notice in writing, as provided in § 2.7, if the owner's address or whereabouts be not known, may cause any of the work or improvements mentioned in Article II to be done at the expense of the City, on the account of the owner of the property on which such work or improvements are done, and cause all of the actual cost to the City to be assessed on the real estate or lot on account of which such expenses occurred; provided, that the owner of any such real estate may appeal to the City Commission from the order of the City Secretary by filing a written statement with the City Secretary within ten (10) days after receipt of the notice provided for above, stating that such real estate complied with the provision of Article II before the expiration of a ten (10) day period. The City Commission shall set a date, within thirty (30) days from the date of the appeal, for hearing upon such appeal to determine whether the real estate complied with the provisions of Article II before the expiration of such ten (10) day period. The authority of the City Secretary to proceed to cause such work to be done shall not be suspended while an appeal from the order is pending, but if it shall be determined by the City Commission that the premises complied with the provisions of Article II before the expiration of such ten (10) day period then no personal liability of the owner shall arise nor shall any lien be created against the premises upon which such work was done.

### Section 2.9. Cost Of City Abatement Constitutes Lien.

Cumulative of the City's remedy by fine, as set forth herein, the City may do such work or cause the same to be done to remedy such condition to remove such matter from such owner's premises at the City's expense and may charge the same to the account of the owners of such property and assess the same against the real estate or lot or lots upon which such expense is incurred.

- (a) Expenditures plus ten (10) percent interest on the expenditures from the date of such payment by the City shall be added to the next billing cycle for water, sewer and sanitation (herein "Utility Bill") for the real estate or lot or lots, if not already paid. Payment shall be due and payable in full by the owner or occupant at the time of payment of such utility bill. If the property is unoccupied, no utilities shall be furnished to the property where the work occurred until such obligation, as herein set out, payable to the City for abatement of any nuisance described herein is paid in full.
- (b) Upon filing with the county clerk of Eastland County, Texas, of a statement by the City Secretary or designee of such expenses, the City shall have a privileged lien upon said real estate or lot or lots, second only to tax liens and liens for street improvements, to secure the expenditure so made and ten (10) percent interest on the amount from the date of such payment so made by the City.
- (c) The City may, additionally, institute suit and recover such expenses and foreclose such lien in any court of competent jurisdiction, and the statement so filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended in any such work or improvements to remedy such condition or remove any such matter.

#### **ARTICLE III. GENERAL PROVISIONS**

# Section 3.1. Violations; Penalty

- (1) Any person having supervision or control of any lot, tract, parcel of land or portion thereof, failing to comply with any provision or requirement as set forth in the preceding sections of this article shall be subject to a fine, upon conviction in the municipal court, of
  - (a) not less than \$300.00 or more than \$2,000.00 if the person has not been previously convicted under this section
  - (b) not less than \$400.00 or more than \$2,000.00 if the person has been previously convicted once under this section, regardless if it is the same piece of property or not.
  - (c) not less than \$500.00 or more than \$2,000.00 if the person has been previously convicted twice under this section, regardless if it is the same piece of property or not.
- (2) Each and every day, or part thereof, that the premises shall remain in a condition in violation of the terms of this article shall constitute a separate offense.
- (3) It is specifically provided that corporations shall have criminal exposure under this article The failure of any corporation, partnership or association of persons to comply with this article shall render the president, vice-president, local manager, partner, local agent or associate, heir or devisee liable to the penalty prescribed by this Code. This

section shall be in addition to and cumulative of the provisions for the abatement of the nuisance and charging the cost of the abatement against the owner of the premises by the city.

# Section. 3.2. Dismissal of Lot Clearance Violation

- (1) The Judge shall dismiss a charge of violating Article III, Lot Clearance
  - (a) if the defendant remedies the violation within 10 days of receiving the citation, and
  - (b) The defendant provides proof to the Judge that the violation was remedied
- (2) The judge may access the defendant an administrative fee not to exceed \$25 when the charge of violating Article III, Lot Clearance is dismissed under subsection (1).

# Section. 3.3 Defenses and responsibilities.

It shall be a defense to prosecution under Article II, Weeds and Offensive Conditions, that the vegetation is any of the following:

- (a) Agricultural crops, except grass and hay, unless subsection (b) stated below applies;
- (b) Hay that is grown for the specific purpose of cultivation and is a part of a predominantly homogeneous plant population may be grown to any height provided it is maintained in compliance with this section and is located no closer than twenty feet to an adjacent property under different ownership and on which any building or improvement exists;
- (c) Cultivated trees;
- (d) Cultivated shrubs;
- (e) Flowers or other decorative ornamental plants under cultivation; or
- (f) Wildflowers, but only until such time as seeds have matured following the final blooming of the majority of the plants.

#### Section 3.4. Prima Facie Evidence.

In any prosecution charging a violation of this ordinance governing the discharge of sewage, proof that the particular sewage described in the complaint was discharged into the ground or subsurface soil in violation of Section 2.9 above, together with proof that the defendant named in the complaint was, at the time of such discharge, the registered owner or occupant of such lot or lots, shall constitute in evidence a prima facie presumption that the registered owner or occupant of such lot or lots was the person who discharged such sewage when such violation occurred

#### Section 3.5. Remedies.

All remedies cited herein are in addition to and not in lieu of all remedies permitted to the City by law.

## Section 3.6. Repeal of Conflicting Ordinances.

All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

#### Section 3.7. Severability.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Commission in adopting this Ordinance that no portion be inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

# **SECTION 3.8 Repeal of Conflicting Ordinance**

City of Ranger Ordinance 091399-4 is hereby repealed in its entirety

## Section 3.9. Effective Date.

That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Ranger, and it is accordingly so ordained.

# Section 3.10. Open Meetings Act.

That it is hereby officially found and determined that the meeting which this Ordinance was passed was open to the public as required by law and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act; Tex. Gov't Code.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF RANGER, TEXAS, ON FIRST READING ON THIS THE 11th DAY OF May, 2015.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF RANGER, TEXAS, ON SECOND READING ON THIS THE 26<sup>th</sup> DAY OF May, 2015.

**CITY OF RANGER, TEXAS** 

Joe Pilgrim, Mayor City of Ranger, Texas

Mary Wells, City Secretary

City of Ranger, Texas

ATTEST:

#### **ORDINANCE NO.2007-10-08-03**

AN ORDINANCE OF THE CITY OF RANGER, TEXAS AMENDING ORDINANCE NO. 20060123-A, REGULATING DANGEROUS BUILDINGS AND STRUCTURES WITHIN THE CITY; ADOPTING THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE (THE "CODE"); PROVIDING FOR INSPECTIONS OF BUILDINGS AND STRUCTURES WITHIN THE CITY; PROVIDING FOR NOTICE TO RECORD OWNERS AND PERSONS WITH INTERESTS IN DANGEROUS BUILDINGS; PROVIDING FOR HEARINGS TO DETERMINE COMPLIANCE WITH THE MINIMUM STANDARDS OF THIS ORDINANCE; REQUIRING THE OWNER(S) AND PERSONS WITH INTERESTS IN DANGEROUS BUILDINGS TO REPAIR, REMOVE OR DEMOLISH SUCH BUILDINGS; PROVIDING FOR REPAIR AND DEMOLITION; PROVIDING FOR THE ASSESSMENT OF EXPENSES FOR REPAIR AND/OR DEMOLITION; PROVIDING PENALTIES; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Commission recognizes the need to regulate and control unsafe, dangerous, dilapidated and substandard buildings within the City of Ranger (the "City") in order to preserve and protect the public health and safety and to preserve property values;

WHEREAS, the 2006 International Property Maintenance Code (the "Code") is an updated version of the Southern Building Code;

WHEREAS, the City Commission adopts such Code to provide regulations outlining minimum criteria for all permanent commercial and residential buildings erected within the City, to provide procedures for the repair or demolition of unsafe, dangerous and substandard buildings; to provide for efficiency and compliance with all applicable statutory requirements; to provide interested property owners with an opportunity for voluntary compliance; and

WHEREAS, it has been determined that adoption of the Code, together with certain deletions, additions, and amendments thereto, is in the best interest of the health, safety, and welfare of the citizens and will more adequately protect life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures and premises;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS, THAT:

Section 1. Findings of Fact. The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.

Section 2. <u>Definitions.</u> As used in this ordinance the following terms shall have the meanings given below:

- (a) "Board of Adjustments and Appeals" means the City Commission.
- (b) "Building Official" means the City Building Inspector or a person employed, appointed, or designated by the City Manager for purposes of making inspections, sending notices, and otherwise enforcing the provisions of this Ordinance.
- (c) "Dangerous Building" or "Unsafe Building" means any structure or building located within the incorporated limits of the City within the definition of "Dangerous Building" or "Unsafe Building" as defined in the 2006 International Property Maintenance Code (the "Code"), attached to this Ordinance, that is:
  - (1) In such a state or condition of repair or disrepair that all or any of the following conditions exists:
- (i) Walls or vertical structural members' list, lean, or buckle;
- (ii) Damage or deterioration exists to the extent that the building is unsafe;
- (iii) Loads on floors or roofs are improperly distributed or the floors or roofs are of insufficient strength to reasonably safe for the purposes used;
- (iv) Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City;
- (v) The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential to decent living or use that the same is unfit for human habitation or occupancy, or likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety or general welfare of those persons assembled, working, or living therein or is a hazard to the public health, safety and welfare;
- (vi) Light, air, and sanitation facilities are inadequate to protect the health, morals, safety or general welfare of persons who assemble, work or live therein;
- (vii) Stairways, fire escapes and other facilities of egress in case of fire or panic are inadequate;
- (viii) Parts or appendages of the building or structure are so attached that they are likely to fall and injure persons or property;
  - a. dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety, and welfare of the City's residents;
  - b. regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
  - c. boarded up, fenced or otherwise secured in any manner if:
- (i) the building constitutes a danger to the public even though secured from entry; or
- (ii) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- (iii) defined as a dangerous or unsafe building by the Code.
  - (d) "Responsible Parties" means the owner, occupant or person in custody of the building or structure, and any mortgagee or lienholder, as identified or listed on the current tax rolls of the Tax

Appraisal District for the property, together with any additional person or interest, if any, shown in the current records of the City applicable to such property.

- Section 3. <u>Uniform Code Adoption</u>. The 2006 International Property Maintenance Code, published by the International Code Council, a copy of which has this day been exhibited to and approved by the City Commission of the City of Ranger, and certified copies of which are on file in the offices of the City Secretary of the City of Ranger, is hereby adopted by reference and declared to be the Unsafe Building Abatement Code of the City of Ranger for the regulation, vacation, removal, repair, or demolition of unsafe buildings in a timely and legal manner in the City of Ranger; save and except the sections that deals with the composition of the membership of the Board of Adjustments and Appeals which are hereby amended to provide that the composition of the Board of Adjustments and Appeals of the City of Ranger shall be as defined by City ordinance; and save and except sections which are amended in their entirety and replaced by the provisions of this Section.
- Section 4. <u>Unsafe buildings Declared a Nuisance</u>. (a) It shall be unlawful for any person to maintain or permit the existence of any Unsafe Building in the City; and it shall be unlawful for any person to permit same to remain in such condition.
- (b) All Unsafe Buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this Ordinance.
  - (c) The Building Official shall enforce the provisions of this Ordinance.
- Section 5. <u>Duties of the Building Official</u>. The Building Official shall inspect, or cause to be inspected, every building, or portion thereof, reported to be unsafe. If such building, or any portion thereof, is determined to be unsafe, the Building Official shall give the responsible parties notice in accordance with the requirements set forth in the Code and in compliance with Sections Six and Seven of this ordinance. The Building Official shall further:
- (a) Inspect or cause to be inspected, when necessary, any building or structure within the incorporated limits of the City, including public buildings, schools, halls, churches, theaters, hotels, tenements, or apartments, multifamily residences, single-family residences, garages, warehouses, and other commercial and industrial structures of any nature whatsoever for the purpose of determining whether any conditions exist which render such places a "Dangerous Building" as defined herein.
- (b) Inspect any building, wall or structure about which complaints have been filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Ordinance.
- (c) Report to the Board of Appeals any non-compliance with the minimum standards set forth in this Ordinance. The Building Official shall obtain from the secretary of the Board of Appeals a hearing date for a public hearing by the Board of Appeals on any structure believed to be a Dangerous

- Building and shall provide the secretary of the Board of Appeals with copies of the written notice to persons with interests in the property as provided for in Section Seven.
- (d) Appear at all hearings conducted by the Board of Appeals and testify as to the conditions of Dangerous Buildings within the City.
- (e) Place a notice on all Dangerous Buildings reading as follows: "This building has been found to be a dangerous building by the City of Ranger Building Official. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given to the owner(s), occupant(s) and person(s) with interests in the property as shown by the records of the City Secretary and the Tax Appraisal District. It is unlawful to remove this notice until such notice is complied with."
- (g) Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this Ordinance.
  - Section 6. Notice to Repair. (1) Should the Code Enforcement Authority determine that any building or structure within the incorporated limits of the City is a Dangerous Building, he/she shall cause written notification to be sent, by certified mail, to the owner and all other persons having an interest in the building after a diligent effort to discover each owner, mortgagee, and lienholder. Such notice shall contain:
  - (a) a description of the building or structure deemed unsafe and its location;
  - (b) a statement of the particulars which make the building or structure a Dangerous Building;
  - (c) include notice of the date and time of a public hearing before the Board of Appeals to determine whether the building complies with the standards set out in this Ordinance;
  - (d) a statement that the owner, lienholder, mortgagee, or persons with a legal interest in the building will be required to submit at the hearing proof of the scope of any work that may be required to comply with the Ordinance and the amount of time it will take to reasonably perform the work.
  - (f) be served upon the Responsible Parties as set out in this ordinance.
  - Section 7. <u>Sufficiency of Notice</u>. Notwithstanding any other term or provision of this ordinance or the Code, notice given pursuant to this ordinance shall be sufficient and deemed properly served upon the Responsible Parties if a copy thereof is:
  - (a) served upon him/her personally; or

- (b) sent by registered or certified mail, return receipt requested, to the last known address of such person as shown on the records of the City and the Tax appraisal District; and
- (c) posted in a conspicuous place in or about the building affected by the notice.

# Section 8. Duties of the Board of Appeals. The Board of Appeals shall:

- (a) Schedule and hold a hearing and hear testimony from the Building Official, the owner and other persons having an interest in the Dangerous Building, and any person desiring to present factual evidence relevant to the Unsafe Building. Such testimony shall relate to the determination of the question of whether the building or structure in question is a Dangerous Building and the scope of any work that may be required to comply with this Ordinance and the amount of time it will take to reasonably perform the work. The owner or a person having an interest in the Dangerous Building shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this Ordinance and the time it will take to reasonably perform the work.
- (b) Upon conclusion of the hearing, the Board of Adjustments and Appeals shall determine by majority vote whether the building or structure in question is a Dangerous Building. Upon a determination that the building or structure in question constitutes a Dangerous Building, the Board of Adjustments and Appeals shall issue an Order:
- (i) containing an identification of the building and the property on which it is located;
- (ii) making written findings of the minimum standards violations that are present at the building;
- (iii) requiring the owner and persons having an interest in the building to repair, vacate, and/or demolish the building within thirty (30) Days from the issuance of such Order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within thirty (30) days, in which instance the Board of Appeals shall specify a reasonable time for the completion of the work; and
- (iv) containing a statement that the City will vacate, secure, remove or demolish the Dangerous Building and relocate the occupants of the building if the ordered action is not taken within the time specified by the Board of Appeals.
- (c) If repair or demolition is ordered, the Board of Appeals shall deliver a copy of the Order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear on the rolls of the Tax Appraisal District, and in the official records of the City regarding such building, including all identifiable mortgagees and lienholders within a reasonable period of time after the hearing.

- (e) The Board of Appeals may not allow the owner or person with an interest in the Dangerous Building more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the written Order unless the owner or person:
- (i) submits a detailed plan and time schedule for the work at the hearing; and
- (ii) establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.
- (f) If the Board of Appeals allows the owner or person with an interest in the Dangerous Building more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the Board of Appeals shall require the owner or person to regularly submit progress reports to Board of Appeals to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written Order may require that the owner or person with an interest in the building appear before the City Building Official to demonstrate compliance with the time schedules.
- In the event the owner or a person with an interest in a Dangerous Building fails to comply with the Order within the time specified therein, absent appeal to the City Commission, the City may, at anytime after the expiration of 45 days from the date a copy of the final decision of the Board of Appeals is mailed to each known owner, lienholder or mortgagee cause any cause any occupants of the Dangerous Building to be relocated, and may cause the Dangerous Building to be secured, removed, or demolished at the City's expense. The City may assess the expenses on, and the City has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the Dangerous Building was located. The lien is extinguished if the property owner or a person having an interest in the building reimburses the City for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the County Clerk in the county in with the property is located. The notice of lien must contain:
- (i) the name and address of the owner of the Dangerous Building if that information can be determined by a diligent effort,
- (ii) a legal description of the real property on which the building was located,
- (iii) the amount of expenses incurred by the City,
- (iv) and the balance due.

Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property.

(h) In addition to the authority set forth in subsection (g) above, after the expiration of the time allotted in the Order for the repair, removal, or demolition of a Dangerous Building, the City may repair the building at its expense and assess the expenses on the land on which the building stands or to which it is attached. The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by City

Ordinance, and to the extent such repairs do not exceed minimum housing standards. This section shall be applicable only to residential buildings with ten (10) or fewer dwelling units. The City shall follow the procedures set forth in subsection (g) above for filing a lien on the property on which the building is located.

Section 9 Appeal to the City Commission. Any responsible party that is aggrieved by the decision of the Board of Appeals may appeal such decision to the City Commission shall set a time and date for hearing such appeal and hold such hearing within forty-five (45) days from the date of the appeal.

- (a) The purpose of the public hearing of the appeal shall be to determine whether or not the building is an Unsafe Building or a Dangerous Building in accordance with the standards set forth in Section Three (b), and to uphold, reverse or modify the decision of the Board of Appeals.
- (b) The matter shall be set for public hearing before the City Commission at the earliest practicable date and notice of said hearing shall be served on the Responsible Parties, each known mortgagee and lienholder, and the Building Official not less than ten (10) days prior to date of said hearing. All interested persons shall have the opportunity to be heard and may introduce evidence to the City Commission for its consideration.
- (c) After the public hearing, the City Commission shall make such findings and orders as it shall deem appropriate.
- (d) After the public hearing, if a building is found in violation of standards set out in Section 2 (b) of this ordinance, the City Commission may order that the decision of the Board of Appeals be affirmed, revised or modified and in the latter instance, that the building be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time. The City Commission also may order that the occupants be relocated within a reasonable time. The City Secretary shall mail to each identified owner, mortgagee and lienholder a notice containing:
- (i) an identification, and address of the building and property on which it is located;
- (ii) a description of the violation of the Code of Ordinances (if any) that is found by the City Commission to be present at the building; and
- (iii) a statement that the municipality will vacate, secure, remove, repair or demolish the building or relocate the occupants of the building is the ordered action is not taken within a reasonable time; or that the City will take no action.
- (e) As an alternative to the procedure prescribed by Subsection (d), described above, the City Commission shall make an effort to contact each mortgagee and lienholder before conducting the public hearing and shall give than a notice of and an opportunity to comment at the hearing. If the City proceeds under this subsection, the order issued by the city Commission shall specify a reasonable time for the building to be vacated, secured, repaired, removed, or demolished by the responsible party and an additional reasonable time for the ordered action to be taken by any of the mortgagees or lienholders in the event the responsible party fails to timely take the ordered action.

- (f) If the building is not vacated, secured, repaired, removed or demolished, or the occupants are not relocated within the allotted time, the City may vacate, secure, remove, repair or demolish the building or relocate the occupants at its own expense.
- (g) If the City incurs expenses under Subsection (f), the City may assess the expenses on the property and the City has a lien against the property, unless it is a homestead as protected by the Texas Constitution, the property on which the building was or is located. The lien is extinguished if the property owner or another person having and interest in the legal title to the property reimburses the City for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the Eastland County Clerk. The notice must contain the name and address of the owner if that information can be determined by a reasonable effort, a legal description of the real property on which the building is located, the amount of expenses incurred by the City, and the balance due.
- (h) If the notice is given and the opportunity to repair, remove, or demolish the building is afforded to each mortgagee and the lien holder is provided in Subsection (d) or (e) above, the lien is privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the city's lien attaches.
  - Section 10. Assessment of Expenses and Penalties. (a) If an appeal has been made to the City Commission by any interested party, and if the City Commission has held a hearing pursuant to Section 9 (b) and the time allotted for the repair, removal or demolition of a building under Section 9 (d) or Section 9 (e) has expired, then the city Commission may, in addition to the authority granted under Chapter 214, Loc. Gov't. Code and Section of this ordinance:
- (i) order the repair of the building at the City's expense and assess the expenses on the land on which the building stands or to which it is attached, or
- (ii) assess a civil penalty against the responsible party for failure to repair, remove or demolish the building.
- (iii) the City Building Official shall invite at least two (2) or more building contractors to make estimates pertaining to the needed repair, removal or demolition of a building. The Building official shall cause to be made an assessment of expenses or civil penalty based on such estimates. The Building Official shall endeavor to minimize the expenses of any building repairs, removal or demolition order pursuant to this subchapter.
- (b) The City may repair a building under Subsection (a) only to the extent necessary to bring the building into compliance with the minimum standards prescribed by the City.
- (c) The City shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the Texas Constitution, to secure the payment of the repair, removal, or demolition expenses or civil penalty. Promptly after the imposition of the lien, the City shall file for record, in recordable form in the office of the Eastland County Clerk, a written notice of the imposition of the lien. The notice shall contain a legal description of the land.
- (d) The City's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the City's lien attaches if the mortgage lien was filed for record in the office of

the Eastland County Clerk before the date the civil penalty is assessed or the repair, removal or demolition is begun by the City. The City's lien is superior to all other previously recorded judgment liens.

(e) Any civil penalty or other assessment imposed under this section accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full.

(f) In any judicial proceeding regarding enforcement of the City's rights under this section, the prevailing party is entitled to recover reasonable attorney's fees as otherwise provided by statute.

(g) A lien acquired under this section by the City for repair expenses may not be foreclosed if the property on which the repairs were made I as occupied as a residential homestead by a person 65 years of age or older.

Section 11. Chapter 214. Chapter 214, Tex. Loc. Gov't. Code, is hereby adopted by the City and made a part of this Ordinance. In the event of any conflict or inconsistency between the terms and provisions of this Ordinance and Chapter 214, the terms and provisions of Chapter 214 shall govern and control.

Section 12. <u>Violations</u>. (a) The owner of any Unsafe Building or Dangerous Building who fails to comply with any notice or order to repair, vacate or demolish said building or structure, such notice or order given by the authority of the Board of Appeals, or the City Commission, shall be guilty of a misdemeanor.

(b) An occupant or lessee in passion of any Unsafe Building or Dangerous Building who fails to comply with any notice or order to vacate such building and fails to repair such building in accordance with an order given by the Board of Adjustments and Appeals shall be guilty of a misdemeanor.

(c) Any person removing the notice of a Dangerous Building as provided for in Section Six (e) of this Ordinance, shall be guilty of a misdemeanor.

(d) The violation of any provision of this Ordinance shall be unlawful and a misdemeanor offense punishable by fine not exceeding Two Thousand (\$2,000.00) Dollars.

(e) Each day a violation of this Ordinance continues shall constitute a separate offense.

Section 13. <u>Amendment of Conflicting Ordinances</u>. All Ordinances or parts thereof in conflict herewith are hereby amended, and repealed to the extent of such confict only.

Section 14. Severability. It is hereby declared to be the intention of the City Commission that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, Paragraphs and section of this Ordinance, since the same would have been enacted by the City Commission without the incorporation of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other

provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 15. <u>Effective Date</u>. This Ordinance shall take effect immediately upon its approval and passage and publication as required by law.

Section 16. Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED on this 8th day of October, 2007

PASSED AND FINALLY APPROVED on this the day of day of 2007, 2007

THE CITY OF RANGER

Attest:

Twila Dobson, City Secretary